Ex. 3

Beaufort County Adopts Testimony:

Topic 19: Each Action Taken by the County in Response to Allegations Concerning Beckert's Conduct, Including the Specific Action Taken, the Date Each Action was Taken and the Identity of the Person(s) Involved in Each Action



Deposition of: **Robert Bechtold**

April 8, 2021

In the Matter of:

Holland, Aliciav. Beaufort County et al

Veritext Legal Solutions

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Page 12 Page 10 Q. Do you recall what month it was in? 1 that falls under my charge also had a complaint. 1 2 A. I believe it was in the Fall. I mean, 2 O. And who was that? A. That was our -- I'm sorry, I don't know really, I believe it was sometime in the Fall. 3 why I'm drawing a blank right now. If I could just 4 Q. When you met with Ash- -- I mean, with 4 5 Jim Beckert about moving his office, tell me about have a second. That was our assessor. 6 any conversations you had with him, other than him Q. Ebony Sanders? 6 asking you to do it outside of operational hours. 7 7 A. Ebony Sanders. 8 A. I mean, it -- it was insignificant, so 8 Q. What did you learn about Ebony Sanders' I mean, nothing specific. That was the only 9 issues with Jim Beckert? request that he made that -- that stuck out to me 10 A. That she filed -- again, I'm really not because I had gone over there to coordinate that 11 certain, other than that she filed a complaint against it -- against him. I don't know how it was 12 with him and so ... 12 Q. And did he ask you why he was being 13 done or other than -- I believe -- I'm really not 14 asked to move? certain. I read it in something and before, and 14 A. I have -- I mean, I have no idea. This 15 15 this would have been after, you know, I was is a, again, 46 departments in my daily activities, 16 directed to help move the office and everything. I I don't know that it's possible for me to retain 17 don't remember if it was the paper or if it was -but I didn't know prior to that. 18 that, so I don't specifically know. 18 Q. Did he seem to object to having to move 19 Q. Did you have any involvement in 19 20 offices? 20 investigating the complaint filed by Ebony Sanders? 21 A. He did. In fact, I mean, ultimately, 21 A. No. Q. Did you ever attend any meetings or 22 he did. So, I don't remember. I mean, again, I 22 don't know really the context of the conversation. accompany Ashley Jacobs to any meetings between her 23 I was there to execute something, you know, a and Jim Beckert? 24 directive and so I went, communicated what I needed 25 A. No. I don't -- no, I don't believe I Page 13 Page 11 have ever been in the same room. I don't -- I to communicate to him, let him know where it was don't think so, no. 2 going to be. He requested that I do it after 2 O. At some point in time you were involved hours, so I facilitated that. 3 Q. And that's -- that's all I'm asking. in moving the -- the auditor -- the auditor's 4 4 5 office? 5 You only know what you know. 6 6 A. I was. A. Right. 7 Q. And I don't know it until you answer 7 O. Tell me about that. 8 8 A. I -- Ashley, I believe it was verbally the auestion. or otherwise, she asked me to find a place for him 9 A. Uh-huh. outside of the main administrative building and I 10 Q. So don't, you know, feel offended by 10 11 11 don't know if it was my decision or hers me. 12 ultimately, but I found a place down there at 12 A. Oh, I'm not at all. I'm trying to records management. And I went over to see 13 recollect things that I can't and that's 13 14 14 Mr. Beckert and let him know that we found an frustrating. 15 alternate location for him. And he -- he had 15 Q. Some people have good memories and some 16 people don't. 16 requested that if it were done, if he could have it done outside of normal operational hours. And I 17 You -- what you're telling me is that when you went to move him, Mr. Beckert did not put said sure. And then I had a crew come over and 18 up any type of opposition, his only request was to help move all of the stuff down to the records 19 19 20 do it after hours? 20 management building to the ultimate location. 21 A. Yeah, I mean, that was his request. 21 Q. When was that? 22 Q. And he complied with the move? 22 A. I don't know the date. Q. It was sometime before Ashley Jacobs 23 A. He did. 23 24 Q. Now, sometime later I believe you 24 left the County's employment, obviously? 25 A. Yes. were -- became a point of contact for Mr. Beckert?

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Page 16 Page 14 I don't know if it was Ashley or Eric when he A. I did. 1 arrived. I just knew that the frequency was Q. Tell me about that. 2 greater because he had relieved Mr. Cadd. So... 3 A. Mr. Greenway and I had a discussion Q. Prior to Mr. Cadd being relieved, did about him -- I mean, I got an additional directive 4 5 you escort Mr. Beckert into building during that and that directive was to aid Mr. Beckert by being a -- being the throughput for communications to the 6 time? 7 A. No. staff, if that makes sense. 8 0. So this started sometime in 2021? 8 Q. You became the -- the conduit for any 9 A. Yes. 9 communications with --10 Q. And what I'm trying to get at is, was A. Yes. 10 it your understanding that between Ms. Jacobs and 11 Q. -- the County employees? 11 council the decision had been made to move 12 13 Mr. Beckert's office? Q. Because Mr. Greenway had told you that 13 he didn't want Mr. Beckert to have any direct 14 A. Yes. 15 Q. Do you know who made the decision to contact with the County employees? 15 16 allow Mr. Beckert to be able to return to the MR. ANDERSON: Object to the form. 16 17 auditor's office off of Ribaut Road? 17 You can still answer. 18 A. Do I know who specifically, no, I 18 BY MR. CROSBY: 19 don't. 19 Q. Correct? 20 Q. Did you have any conversations with 20 A. Yes. anyone about any change in the policy of having 21 21 O. So whatever contact, would that have 22 Mr. Beckert refrain from entering that building? been after David Cadd left the County's employment? 22 23 A. No. I mean, again, I think that the --23 A. Yes. Q. And at some point in time you became 24 I'm uncertain of where it started, but I know that 24 it was reaffirmed sometime later because it was involved in allow -- escorting Mr. Beckert into, Page 17 Page 15 shifted -- whoever, their responsibility was 1 back into the building where his office formerly 2 shifted to me, so that's when I got the ground 2 was? 3 rules and ground work of what that looked like. 3 A. Yes. O. Of what looked like? 4 Q. Tell me about that. 4 5 A. Of -- of me having to escort him into 5 A. There was some communication to 6 Mr. Beckert and a request that he provided a the building and, I mean, that. 7 Q. Well, I guess that's what I'm trying to 24-hour notice when he needed to come up there and 7 get at. Did you have any discussions with 8 so I had coordinated that with Mr. Beckert. And so he would call me, sometimes on the weekend, Mr. Greenway that there had been some change in policy whereby Mr. Beckert, after Mr. Cadd's 10 sometimes on a Monday to kind of give me a general 10 departure, could now return to the building? 11 idea of what his plans were for the week. And then 11 12 when he arrived at the building, he would contact 12 A. I'm sure I had discussions. I mean, nothing remarkable. It was the same standing, as I me via phone or text and he would walk around the 13 14 understood it, the same standing notice and he 14 front of the building, I would move through the needed to be escorted into the building. I knew of 15 building and let him in the door adjacent to the 15 that prior to and so the discussions were about, I 16 16 auditor's office. mean, the frequency was all. 17 17 Q. And who gave the authority for 18 Q. Well, prior to Mr. Cadd's leaving, you 18 Mr. Beckert to have access to the building? 19 told me that he wasn't entering the building? 19 A. Who gave the authority? 20 A. No, I wasn't responsible for that. I'm 20 Correct. not certain who was. But I know that after 21 A. I'm not certain if that was Ash- -- it 21 22 Mr. Cadd's departure that was the task that I'd

Q. Do you know whether Mr. Beckert was

entering the building prior to Mr. Cadd's

23

24

25

received.

24

22 was the same standing as I understood it from

before. So I don't know, but the notice to come up

there, I don't know where that came from, but I

mean, ultimately, I wasn't surprised by it so I

ALICIA HOLLAND vs BEAUFORT COUNTY 9:20-cv-03479-DCN-MHC - ERIC GREENWAY

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UNITED STATES DISTRICT COURT
 1
             FOR THE DISTRICT OF SOUTH CAROLINA
                     BEAUFORT DIVISION
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 5
     ALICIA HOLLAND,
        Plaintiff,
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 7
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 9
                                      CASE NUMBER
     vs.
                                9:20-cv-03479-DCN-MHC
10
11
12
13
     BEAUFORT COUNTY and JAMES BECKERT,
     Individually, and in his Official Capacity,
14
15
        Defendants.
     -----/
16
              The videotaped deposition of ERIC
17
     GREENWAY, a witness in the above-entitled cause,
18
     taken pursuant to Notice and agreement, before
19
     Ceil Weser, Certified Court Reporter and Notary
20
     Public, before Robert Claxton, videographer, at
21
     the Offices of Beaufort County Administration
22
    Building, 100 Ribaut Road, Suite 170, Beaufort,
23
     South Carolina, on the 12th day of April, 2022,
24
     commencing at or about the hour of 8:14 a.m.
25
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ALICIA HOLLAND vs BEAUFORT COUNTY 9:20-cv-03479-DCN-MHC - ERIC GREENWAY

34-37

	Page 34		Page 35
1	MR. BUYCK: No.	1	MR. BUYCK: Note my objection.
2	BY MS. AVANT:	2	THE WITNESS: Well, I can yeah.
3	Q What about the County's directive for	3	MR. BUYCK: Let us take about a
4	Mr. Beckert and this building, what do you know	4	two-minute break if we could, please.
5	about that?	5	Let us go off the record.
6	A I know that Ashley Jacobs and the	6	(Whereupon, a short break was
7	County Council and the County Attorney developed	7	taken.)
8	a policy that was in place when I took over as	8	BY MS. AVANT:
9	acting County Administrator that said that	9	Q So I was asking you if you had any
10	Mr. Beckert was going to be relocated to another	10	issues enforcing this policy with Mr. Beckert?
11	building, and if he wanted to come into this	11	Have you had any issues?
12	building he would need an escort in order to be	12	A And I was asking you what what you mean
13	in this building.	13	by that?
14	Q And have you continued to carry out	14	Q Has he attempted to enter the building
15	that policy?	15	without an escort?
16	A I have.	16	A Not to my knowledge.
17	Q Tell me about that, have you run into	17	Q I am going to show you Exhibit 12.
18	any issues?	18	MR. BUYCK: Thank you.
19	A What do you mean issues?	19	BY MS. AVANT:
20	Q Have you are run into any issues	20	Q This is an Email you sent January of
21	enforcing this policy?	21	'21.
22	A I am not sure what you mean by that.	22	A Okay.
23	Q Well, I can't know what issues to	23	Q Take a minute to read through this.
24	describe to you unless you tell me if you have	24	A I sent it, because it says Ashley
25	had any?	25	Jacobs?
-	D 00		Page 27
	Page 36	4	Page 37
1	Q That is at the bottom. At the top it	1	take, and I was told I should send this Email by
2	Q That is at the bottom. At the top it says from Eric Greenway.	2	take, and I was told I should send this Email by the County Attorney letting him know he should
2 3	Q That is at the bottom. At the top it says from Eric Greenway. A Oh, okay. I was looking at the	2 3	take, and I was told I should send this Email by the County Attorney letting him know he should not come into the building without an escort.
2 3 4	Q That is at the bottom. At the top it says from Eric Greenway. A Oh, okay. I was looking at the highlighted part here.	2 3 4	take, and I was told I should send this Email by the County Attorney letting him know he should not come into the building without an escort. MR. BUYCK: Take your time and
2 3 4 5	Q That is at the bottom. At the top it says from Eric Greenway. A Oh, okay. I was looking at the highlighted part here. Okay.	2 3 4 5	take, and I was told I should send this Email by the County Attorney letting him know he should not come into the building without an escort. MR. BUYCK: Take your time and read through the entire exhibit,
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q That is at the bottom. At the top it says from Eric Greenway. A Oh, okay. I was looking at the highlighted part here. Okay. Q You read through your paragraph? A Uh-huh. Q It sounds like that he tried to enter the building past office hours without an escort? A Yeah, you are right. Q Do you recall this? A I do. Q Do you recall having to send this Email? A I do. Q Has there been any other issues you have been made aware of with Mr. Beckert not following the policy put in by Council? A To my knowledge he has not violated anything. I mean I have sent a lot of Email dealing with a lot of situations every day. So	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	take, and I was told I should send this Email by the County Attorney letting him know he should not come into the building without an escort. MR. BUYCK: Take your time and read through the entire exhibit, because she has given you more than just one Email there. THE WITNESS: Okay. Okay. BY MS. AVANT: Q You read the whole thing? A Yes. Q So I wanted to ask you about a couple of things in here. A Okay. Q Back up to your Email. You said before anything is highlighted. About three-fourths of the way down of that big paragraph that says: "With support of Council members." And feel free to read the whole sentence to get some context. A Okay.



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Page 38 this policy was shared with me from with Kurt A So it was my recollection that Kurt Taylor, County Attorney. Taylor, the County Attorney told me that Miss 2 Q And that kind of goes back to one of my 3 Jacobs established that policy in support of the previous questions when I asked if you were 4 Council, so I would take that to mean a majority briefed on anything, the County Attorney Kurt 5 5 Taylor briefed you on this policy? Q Thanks. That helps clarify that. 6 7 A Yeah, so let me put that in context. A I don't know if it is all of them or --7 8 but I would take it to mean a significant number Q Uh-huh. 9 of them were concerned about him being in the 9 Whenever I took over as acting County 10 Administrator this policy was in place. I think 10 building based on the allegations or the an issue came up regarding this policy and 11 situation or his behavior, and that they asked 12 for him to -- they asked Miss Jacobs to take whether or not I was going to continue to 13 enforce it. 13 steps to remove him from this building. 14 14 So I reached out to Kurt Taylor, and Q Are you aware of any County Council 15 members that opposed this policy? 15 after talking to Kurt about that I decided that I would continue to enforce the policy as 16 A I would not have been involved in any 16 17 of those discussions because I would have been 17 established by Miss Jacobs. 18 Planning Director at that time, and I would not 18 Q And what issue came up that led you to 19 question yourself, like do I still enforce this? 19 have been involved in that. So I don't know how 20 Do I not? 20 the policy was developed or came about. 21 Do you remember what brought that one? 21 Q And you haven't been made aware since 22 A No, I don't recall what that was -- why 22 you have became County Administrator of any 23 23 opposing Council members? that would have up.

25 based on what anything that was told to me about Page 40 24

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Page 41 when he spoke to you about it or was it just --

about the escort situation for him in the 3 building. Q And correct me if I am wrong, I am not 4 5 trying to put words in your mouth, was it

1 able to have access back into the building or

A Not more than what I just told you from

something along the lines of okay, now that Ashley is not here anymore, are you still keeping this up, or do you know how he approached you? 9 10

A I don't recall that, no. It was not -- it was at that particular

13 that when I became acting County Administrator 14 that it was very likely that, you know, my 15 relationship with him would change from being 16 just a cordial talk in the hall type of 17 situation to -- I got the sense that he was

12 point in time Mr. Beckert had indicated to me

18 sending me the message that he was going to be 19 somewhat aggressive with me as the acting County

20 Administrator.

21 Q That is what you took from his 22 conversation?

23 A Yes.

Q Is there something about it that made 24 25 you take that away from it? Was he aggressive A No, just because of what he said. He

I seem to recall that Beckert asked me

about the policy and whether or not he would be

2 said something along the lines now that you are acting County Administrator I still have to do

the things that I have to do as Auditor; and you 6 know, there will probably be some things that we

7 have issues regarding. Something along that lines that made me made me draw the conclusion 8

that he was going to be somewhat aggressive with 10 his style and approach toward me at times and

11 that has proven to be true. 12

Q Okay. You were able to predict that 13 one, huh?

14 A Yes. 15

It is not hard to predict.

16 Q So since you continue to enforce this policy, and based on your testimony a minute ago 17

this was the only issue of him coming up on a 18

Saturday that you can remember off the top of 19 20 vour head?

A So when you say -- and again that is 21 22 why I am asking you about the issues?

23 Q I will try to clarify.

What do you want to know? 24

So if it is about him coming into the 25



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building and accessing the building, yes, that 2 was a pain, okay? He would call when he was in 3 the parking lot or before he got in the parking 4 lot and say hey, I am in the parking lot. Can 5 you send my escort to get me. Well, at that particular point in time my 42-year experienced executive assistant would go to the door to let 8 him in and escort him to his office. Well, he 9 wouldn't even be in the parking lot and she 10 would have to stand there and stand there and 11 stand there to wait on him to show up. He would get in his office. He would 12 12 13 be in there for 10 or 15 minutes, and then he 14 would call back to my office and say oh, I have 15 to go to the restroom, can somebody come and 16 escort me to the restroom? So she would go and 17 escort him to the restroom, and he would go in 18 the restroom and he would stay in there for a 19 long time. And she would come back to the 20 office, and then he would go back to his office; 21 and he would call me and say hey, I was in the 22 restroom, I left the restroom, my escort wasn't 22 23 there. Nobody was there to escort me back to my 23 24 24 office, blah, blah, blah. 25 One day he called me like at 5:05 on a 25

Friday afternoon, I was on my way to Charleston. 2 And he said hey, I am in my office and nobody 3 here on the administration side is here to let 4 me out of the office, what would you like for me 5 to do? Crawl out the window of my office? And I said no, you do not need to crawl out your window of your office. There is a door right by 7 your office there. I would suggest you walk out 8 the door of your office, turn right and go down 10 the hall and go out the door that faces Ribaut 11 Road.

So he was very aggravating during that 13 time about that policy, and the enforcement of that policy. And again as I stated earlier he 15 was unnecessarily consuming County resources. 16 So at that particular point in time I asked Mr. 17 Bechtold to be his escort, and that is when I 18 instructed Jim as you saw in this Email that he 19 would need to go through Bechtold, and he would need to give us some notice as to when he needed to be in the building. He couldn't just call and say hey, I am five minutes away, blah, blah, blah.

I don't know this to be fact, but I even heard that one time we went to let him in

Q But as far as your policy that he is

not to be in building to your knowledge it has

Page 44

the door and he was hiding behind the columns 4 waiting at the door for a while. I don't know

4 been effective? 5 A That is correct. Nobody has told me that he has been in the building since I did 6 7 that. So if he has been here, I don't know 8 about it. That I recall. 9

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MR. BUYCK: Let me ask you one question? Whenever you guys do the objections, am I supposed to quit

talking? MR. BUYCK: You are supposed to

answer unless we tell you, yes. THE WITNESS: Okay. So you all

BY MS. AVANT:

will tell me don't answer that? MR. BUYCK: Yes.

Otherwise we are making a note on the record for a judge.

When you get exhibits make sure you look through everything and take your time.

23 BY MS. AVANT:

> Q Yeah, you are welcome to read this whole thing; but I can tell you what pages I

out front, and we didn't see him. And then he 3 called me back immediately saying he has been

if that is factual or not, but having dealt with him during that time, I can very easily see him doing something like that. 7

Because it was a pain and eventually I 8

stopped him accessing this building totally even 10 with an escort, because it became so cumbersome

11 and consumed so many resources. Even

12 Mr. Bechtold told him he would not be allowed

13 back into this building even with an escort, and 14 to my knowledge he has not been back since.

Q How long has that been?

A Mr. Bechtold was still here, so it is

17 several months.

Q And you just said to your knowledge he 18 19 hasn't been back since. So your policy has been 20 effective?

21 A As far as I know.

MR. JOHN ANDERSON: Objection.

23 THE WITNESS: I mean has he been 24 in other County buildings. Yeah, with

25 me in a meeting so.



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Deposition of: Gary T. Kubic

April 7, 2021

In the Matter of:

Holland, Aliciav. Beaufort County et al

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- 1 use basically written documents, letters, and those
- 2 kinds of things to document my position or document
- 3 a next step as to how we were to proceed, whether
- 4 it be budget or employee management or contracts.
- That's my perspective. And what I 5
- 6 found out in terms of staff, generally speaking, my
- 7 staff did not want to associate with Mr. Beckert.
- 8 And it got to a point where I had to, based on some
- 9 of the things that my staff was telling me -- you
- 10 know, the building was divided into two halves
- 11 where I had to separate and lock the doorway that
- 12 would allow entry from his side of the office into
- 13 my corridor. And that was done primarily because
- 14 of complaints from the female staff on my side.
- Q. And those were staff that work under --15 16 under you?
- 17 A. Monica Spells, Cheryl Harris, Sue
- 18 Rainey, members of the HR team primarily.
- Q. And what was the nature of the 19
- 20 complaints that your staff was relaying to you?
- 21 A. They felt uncomfortable having to be
- 22 with Mr. Beckert. I think they used the word
- 23 creepy. And so I figured it would be better just
- 24 to separate the staff and limit the association to
- 25 those moments when we had to have discussions on a

- Page 12
- 1 And so I did certain steps periodically based on
- 2 what was brought to me and how I thought I could
- 3 best resolve them.
- Q. Was the nature of the complaints that
- 5 you were getting such that Mr. -- that what
- 6 Mr. Beckert's conduct would be deemed
- 7 unprofessional toward these female employees?
- A. Granted that I wasn't present during
- 9 those moments, but relying upon what my staff told
- 10 me, my answer would be: Yes, they are -- they --
- 11 it wasn't a professional discussion.
- 12 And one of the things that evolved from
- 13 it was we put hallway cameras in the hallways
- 14 initially for security purposes to protect the
- 15 auditor's office because it was an office that
- 16 invited general public in. Also, security right
- 17 next door for the treasurer's office where the
- 18 collection of money would -- would go.
- 19 And I had access as county
- 20 administrator because I am in charge of all campus
- 21 buildings. I had the ability to monitor the
- 22 cameras in my office at all sites. And I then
- 23 decided to limit the monitoring of the associated
- 24 cameras, and I think I restricted one or two in the
- 25 hallway from Mr. Beckert because I thought that it
- 1 particular item that involved Mr. Beckert's
- 2 department and myself. And so we basically kept it
- 3 on a very -- as professional as we can with noted
- 4 separation.
- 5 Q. And you -- as the highest ranking
- 6 county employee, you had to have some interaction
- 7 with -- with the auditor?
- 8 A. That's correct.
- Q. And what you're telling me is that
- 10 because of the complaints that you were receiving
- 11 about -- from your staff about Mr. Beckert's
- 12 conduct toward them that you took a step of
- 13 blocking off or cordoning off your employees so
- 14 that they didn't have access to him?
- 15 A. Yes.
- O. How far into Mr. Beckert's term as 16
- 17 auditor did this occur?
- A. Well, it wasn't right away, and I had
- 19 been out of the business -- been away from the
- 20 county for a while. So you're giving me a memory
- 21 teaser. I'd say three to six months as -- as the
- 22 initial start. There are documents that show when
- 23 I stopped having my monthly meetings.
- 24 These various actions were generated at
- 25 different times. They did not all occur at once.

- Page 13 1 was not necessary for him to see hallway activity.
- And I got some information from staff
- 3 members that he would appear in the hallway, and
- 4 they just thought it was kind of ironic, so I
- 5 restricted that as well.
- Q. Would the information you were getting
- 7 from staff with regard to his use of the cameras,
- 8 was it such that they believed that he was using
- 9 the cameras to determine when they would enter the
- 10 hallway and step out and interact with them?
- 11 A. Yes.
- O. Did they complain that his interactions
- 13 made them feel uncomfortable?
- 14 A. Yes.
- 15 Q. Did they complain to you that his
- 16 interactions made them feel threatened?
- A. Being threatened in terms of a physical 17
- 18 threat, I'm not as certain. Being threatened sort
- 19 of in an emotional feeling of just generally being
- 20 uncomfortable, with that qualification, I would say
- 21 yes. But I'm -- I'm not certain that it rose to a
- 22 point of physically being threatened.
- 23 Q. Well, we're going to talk to each one 24 of them, and we'll -- we'll get their take on that.
- 25 But obviously you're taking action because of

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Page 17

Page 14 1 Mr. Beckert's actions and what your staff related 2 to you? 3 A. Yes. 4 Q. And you as their supervisor and the --5 in your role as county administrator, you had an 6 obligation to provide a nonhostile, comfortable workplace for your staff --8 MR. J. ANDERSON: Object to the form.

9 THE WITNESS: That's correct.

10 BY MR. CROSBY:

Q. -- correct?

11 12 I mean, it's important to -- for their 13 productivity and for their -- their well-being to 14 be free from any type of discomfort caused by 15 others in the workplace, correct? 16 MR. J. ANDERSON: Object to the form. 17 THE WITNESS: Yes.

18 BY MR. CROSBY:

19 Q. Did any of the employees at your 20 staff -- let's keep with them right now -- did any 21 of the staff relate to you that Mr. Beckert would 22 from time to time just stare at them? A. Starting with myself, yes, stare from 23

24 the sidewalk through my window. I used to get to 25 work early. I caught him several times just

Page 16 Q. Get my directions, maybe the

2 treasurer's office would be on the south end? A. Well, I don't have a compass, and I

4 couldn't tell you --Q. Where --

A. -- which way the sun rose on the 7 buildings. But basically it's a rectangle building

8 which is divided in half, two corridors. The front

9 corridor facing Ribaut Road had the treasurer and

10 the auditor, I think a mailroom, planning on that

11 side. And on the other side was the clerk of

12 council, myself, some of my staff members for --

13 for Monica Spells, Beaufort County channel, and at 14 the end was the HR division.

15 So that was parallel -- there were

16 parallel corridors. And in between was a central

17 reception area at one time where the general public

18 could come in and access the offices, and that door

19 I restricted coming into my area. You could buzz

20 and have somebody come in and -- if it was a

21 taxpayer or another official, we would let them

22 through the doorway.

23 Q. Let's go back to you -- your 24 interaction with Mr. Beckert and his staring in 25 your window. How many times did that occur?

Page 15

1 looking through the window standing there. It was 2 kind of odd. I even had mentioned it to the

3 sheriff a few times and others.

Maria Walls had indicated to me that

5 she felt that Mr. Beckert was staring at her 6 through her office window. As a result of that, I

7 think I told her to advise the sheriff as well, to 8 notify him that she felt uncomfortable. And then I

9 also authorized security cameras at that corner to

10 have the ability to video those occurrences, and

11 also for general security of the building itself.

I think it -- you know, I'm -- I'm 13 going back. I hope I get -- Monica Spells, I

14 think, told me a few times that Mr. Beckert

15 demanded access through a card swipe to our side of

16 the building, and I told her that -- you could

17 program the various access points for those cards. 18 And as a result of talking with her, I told her not

19 to program access for Mr. Beckert on -- on that

20 doorway that accessed my office space, that area,

21 that corridor.

22 Q. Where is your office -- I think the

23 treasurer's office is on the first floor of the

24 county building?

A. Yes.

A. Well, I didn't count them, but if

2 you're talking about -- you know, I don't know. I

3 never really took a count. It was almost at least

4 once or twice a week. It would depend on when he

5 arrived at work, and generally I'd get there about

6 7:00, 7:30. He'd get there early as well. He

7 parked right across from my window. And I never

8 really took a count, but it was more than one, and

9 it could be, you know, 20, 30. I -- I'm not sure.

Q. And he would -- you didn't -- did he 11 ever have a conversation about why it was that he

12 would stand outside your window?

13 A. No. I really never talked to him about 14 it.

15 Q. Did -- it sounds like you got to the

16 point where you were just limiting your interaction 17 with him in professional business settings?

18 A. You know, looking through my window and

19 being a county administrator, I was going to use a

20 BS kind of language, but quite frankly I had more

21 important things to consider in my duties than to 22 worry about a person and why that person would be

23 staring or looking at me through my window. I just

24 thought it was unusual, and I treated it that way.

25 You know, I just -- I moved on in my daily

	110114114, 12114411 20			
	Page 18			
1	activities.		1	counsel her on vis
2	Q. Just just to be clear, was were		2	she related those i
3	there other people who would routinely come to your		3	authorities, that be
4	window and just stare at you?		4	would introduce a
5	A. Well, I like to think that I was a		5	events. And, year
6	popular kind of guy and fairly good-looking, but I		6	it troubled her.
7	lost all my hair, and then that kind of eliminated		7	Q. And so w
8	that possibility pretty much.		8	secondary function
9	No, I don't mean to be frivolous. I		9	security, the the
10	know this is an important matter. But no. No.	1	0	because of Mr. Be
11	And what made it unique from normal	1	1	at Maria through
12	traffic on the sidewalk by the public or other	1	2	MR. J. AN
13	elected officials or staff, those occurrences	1	3	the question.
14	occurred when it was early in the morning with only		4	
15	a few people in the building at that time. It was			I would also say the
16	at the beginning of the day, and that's what I	1	6	and the idea was t

- Q. Did you ever get the sense that he was 18 19 doing it to intimidate you?
- A. I don't know. I -- I have no idea what 20 21 he was thinking about. And quite frankly, my 22 personality, I wouldn't have thought that he was
- 23 doing it to intimidate -- at least I wasn't

17 thought was interesting.

- 24 intimidated by it, per se, because I figured I'm a
- 25 big boy, and that's kind of incidental. So not

Page 20

Page 21

- siting and -- and making sure that incidents to the proper
- eing the sheriff. I told her I
- a video camera to record those
- h, she was visibly upset. She --
- while the cameras may have had a
- on of providing -- serving as
- e -- the initial driver was
- eckert's coming and staring
- gh Maria Walls's window?
- NDERSON: Object to the form of
- INESS: I would say that's true.
- that the camera is in plain view,
- and the idea was that, you know, generally if you
- 17 walked in that area and you looked up or you knew
- 18 that the cameras were rolling as security that it
- 19 would maybe serve as a deterrent, which was the
- 20 ultimate intent, to stop that action from
- 21 happening.
- 22 BY MR. CROSBY:
- Q. Did you ever learn of him staring at
- 24 any other employees or any employees other than
- 25 yourself of the county?

Page 19

- 1 knowing his motives, I really don't know.
- I guess it was probably to maybe create
- 3 a signal that he was present. But I did -- I did
- 4 go to the sheriff because, you know, at various
- 5 times I've been required to wear bulletproof vests
- 6 and different kinds of things on campus in Beaufort
- 7 County because of threats, and so just to get on
- 8 record -- and I didn't do it in writing; I just
- 9 mentioned it to the sheriff -- this is occurring in
- 10 the morning. And he said, well, you know, do
- 11 you -- do you want to continue or do you want to do
- 12 anything for him?
- I said, no, I just want you to know. 13
- 14 And that was the extent of it.
- Q. Just talk about his behavior toward --15
- 16 staring with regard to Maria Walls. Did she relay 17 that to you?
- A. Yes, several times. 18
- Q. And when she relayed it, it was 19
- 20 something that she didn't like?
- 21 A. Yeah. That -- you know, that was -- my
- 22 interpretation of what Maria expressed to me in
- 23 those moments about Mr. Beckert looking in her
- 24 window, she was clearly upset, she was clearly
- 25 worried about physical harm. I would try to

- A. The only other -- no. The only other
- 2 employee that mentioned some occurrences outside
- 3 the building or along the building was Tony
- 4 Criscitiello, the planning director. But, again,
- 5 Tony didn't think too much of it, but he did
- 6 mention it to me that he thought Mr. Beckert was --
- 7 was interested in the planning division.
- I think maybe at that time Mr. Beckert
- 9 wanted to get a couple of tables or whatever, but
- 10 you'd have to check with Tony. But I think Tony
- 11 did mention it to me once or twice.
- Q. Did Monica Spells ever tell you that
- 13 Beckert stared at her in the hall and made her feel
- 14 uncomfortable?
- 15 A. Yes.

16

- Q. How about Melissa Beere -- Beere?
- A. Who? 17
- MR. KEAVENY: Beere. Melissa Beere. 18
- 19 MR. CROSBY: Beere.
- THE WITNESS: Where does she work at? 20
- 21 MR. KEAVENY: HR.
- 22 BY MR. CROSBY:
- 23 Q. I think she worked in --
- A. Oh, Melissa. No, I don't think I had a 24
- 25 conversation with Melissa about that.

6 (Pages 18 - 21)

Holland, Aliciav. Beaufort County et al Page 22 Page 24 1 official in my opinion for a lot of reasons, and O. Who --1 2 that the opportunity that he had was to use wisdom 2 A. I can't remember. 3 in talking to others who had more experience about 3 Q. Who are the staff members that --4 budget, about office management, about hiring 4 that -- that you're referring to that worked 5 practices, about statutory interpretation, to aid 5 under -- under you that -- directly there? 6 him in developing a level of expertise to better A. Cheryl Harris, which was my executive 7 operate his office. He rejected all those. 7 assistant. I think he took offense, quite frankly, 8 Q. Cheryl? A. Cheryl Harris, Monica Spells, there 9 that I was a nonelected official trying to advise 9 10 him as an elected official as to how to operate 10 were two black females who came into my office who 11 within the confines of governmental procedures. 11 were auditor employees who wanted me to do Q. Did you have -- ever have any 12 something about what they thought was harassment by 13 conversations with Alicia Holland about any 13 Mr. Beckert; and I advised them that Mr. Beckert 14 concerns she had about Mr. Beckert's conduct toward 14 was a separate elected official, and that they had 15 her? 15 the opportunity to go down to the general bulletin 16 A. My recollection on that topic would be 16 board and look up the EEOC. And if they needed 17 that I think Alicia talked to me about some of the 17 assistance in terms of how to contact the EEOC 18 about their complaints, they could go into my staff 18 differences of opinion regarding budgetary 19 management and systems management. I think we had 19 HR, and they would provide numbers and forms, if 20 disputes with the auditor's office on who had the 20 that was necessary, for them to complete. I don't remember their names. I 21 responsibility of protracting and entering into 21 22 contracts for services or product. 22 know -- I think they both were dismissed or fired. I remember I had to explain to Q. Did Ebony Sanders ever relay any 23 24 Mr. Beckert that there's a statute that allows 24 complaints to you about Mr. Beckert? 25 council to establish the purchasing unit and A. Not directly. I think her 25 Page 25 Page 23 1 complaints -- I think Monica may have mentioned 1 policy. And that as the controlling entity, 2 council creates that policy. And then, you know, 2 that Ebony was also concerned. But I don't -- I 3 there is buy-in from a lot of the elected 3 don't remember Ebony ever coming in directly and 4 officials. 4 having that type of conversation with me. 5 At times, Mr. Beckert felt that he had Q. By putting up the cameras on the 6 sole authority on who he could contract with, what 6 outside of the county building, it was an attempt

7 by you to deter Beckert's conduct to -- to keep him 8 from looking through Maria Walls's window in 9 essence? MR. J. ANDERSON: Object to the form. 10 THE WITNESS: That was one of my 11 12 intents. That was one of my hopes. Yes. 13 BY MR. CROSBY: Q. Much as dividing off and preventing 15 Mr. Beckert from coming into your side of the 16 building was to protect your employees? 17 A. Yes. 18 MR. J. ANDERSON: Same objection. 19 BY MR. CROSBY: Q. Did you ever address directly with 21 Mr. Beckert his conduct toward the employees or 22 Ms. Walls?

A. Indirectly I told Mr. Beckert several

24 times that he was elected and replaced Sharon

25 Burris who was literally a tragedy as an elected

7 services would be provided. And I think those 8 discussions evolved with Alicia's because the 9 purchasing department was part of her chain of 10 command. Q. And would Mr. Beckert accuse her of 11 12 violating policies and laws with regard to what she 13 was doing? 14 A. Yes. He would -- I don't want to say 15 this -- but Mr. Beckert basically had disagreements 16 along those lines with almost everybody outside the 17 auditor's office. 18 Q. And his accusations with regard to Alicia Holland's conduct, his accusations about her 20 violating laws or policies were not true? 21 MR. J. ANDERSON: Object to the form. 22 MR. BUYCK: Same objection. 23 THE WITNESS: What upset -- they 24 weren't true. And what upset me is that Alicia

25 worked for me, and her conduct, as far as I was

7 (Pages 22 - 25)

23

Page 38 Page 40 1 Mr. Beckert. 1 of their efforts. Given those facts, Mr. Beckert gave 2 Q. Would his aggressiveness, would you 3 describe it as abusive toward individuals at times? 3 several people the impression during meetings 4 and -- and -- that he was just confrontational. I MR. J. ANDERSON: Object to the form. 5 mean, they were always nervous. And that's why I 5 THE WITNESS: Yes. 6 tried to increase my presence at committee meetings 6 BY MR. CROSBY: Q. And I take it what you did by locking 7 if I knew he was going to be there or meetings that 8 involved Alicia or Maria, I tried to be there. 8 the doors, at least with regard to your staff and The auditor's office and the 9 his access to them, was an attempt to protect them 10 treasurer's office is hand in glove. They cannot 10 from what one would describe as a hostile 11 work independently and produce a product that 11 environment? 12 satisfies the needs of the taxpayer. They -- and 12 MR. J. ANDERSON: Object to form. 13 that's why in my opinion, and I'm going well beyond THE WITNESS: I would say generally the 13 14 answer is yes. The idea of separation, obviously, 14 in my response, is I don't think you need in this 15 day and age of technology two separately elected 15 is to keep each side away from each other. And so 16 officials, auditor and treasurer, to generate a tax 16 my intent was to limit, because you cannot be 17 bill, whether it's personal property or real 17 exclusive. 18 property. But that's -- that's for another 18 In the working conditions and product 19 election or referendum. 19 that we were required to produce for the taxpayer, 20 BY MR. CROSBY: 20 you have occasions where people doing their 21 Q. In what -- in what you've -- in your 21 functions have to interact with others. 22 22 response there and your prior responses, because of So physically putting a lock on the 23 Mr. Beckert's aggressiveness toward individuals 23 door was one method. The second method would be to 24 working for the county and in it, he -- you created 24 try to include or avoid one-on-one situations so 25 a system where you served as a conduit and/or, I 25 that you'd have more people in the meetings, and Page 41 Page 39 1 guess, attending more meetings sort of as a 1 the idea or intent of that was to soften and 2 hopefully modify behavior patterns of individuals 2 protector? MR. BUYCK: Note my objection. 3 because they were in a group setting rather than a 4 BY MR. CROSBY: 4 one-on-one setting. Q. -- for your employees --5 BY MR. CROSBY: 5 Q. Wouldn't an ordinary functioning of MR. J. ANDERSON: Object to the form. 7 BY MR. CROSBY: 7 county government with regard to the auditor and 8 treasurer, would there typically just be free Q. I mean, the reason you did that was an 9 access between, for example, the auditor and 9 attempt to protect your employees from 10 someone on your staff so that they could -- if they 10 Mr. Beckert's --11 A. There --11 needed something they could reach directly out to 12 them? 12 Q. -- aggressive and abusive behaviors --13 A. There were two reasons. 13 MR. J. ANDERSON: Object to the form. 14 THE WITNESS: Well, the purpose first MR. BUYCK: Same objection. 14 15 MR. J. ANDERSON: Same objection. 15 and foremost of every elected official in every THE WITNESS: There were two reasons: 16 unit of government is to provide whatever their 16 17 level of duty and responsibility is to serve the 17 One, the primary focus to produce a product that 18 would satisfy the needs of the taxpayer. Two, it 18 needs of the taxpayer. 19 Whether you like an individual or you 19 was to make sure that those present in the meeting, 20 elected or not elected, understood that we are all 20 don't like an individual, in my world, my 21 authority, is not relevant. I can dislike an 21 together to get that done, that the objective of 22 employee but not confront them, verbally abuse 22 the meeting was to produce product. And, three, to 23 your point, indirectly to protect or to give 23 them. As long as their work product is 100 percent 24 comfort from my presence to employees who felt 24 and sufficient, I never thought I would have to

11 (Pages 38 - 41)

25 like or dislike anyone. I want to see the results

800.743.DEPO (3376)

25 that -- uncomfortable with Mr. Beckert, that they

Page 42 1 didn't have to feel that way, that I was there to 2 help all involved, even Mr. Beckert. 3 BY MR. CROSBY: O. Employees feeling uncomfortable or

5 nervous in the presence of Mr. Beckert, when

6 they're feeling like that, that interferes with 7 number one, isn't it, and that's producing the

8 product for the public?

9 MR. J. ANDERSON: Object to the form. THE WITNESS: I've been a -- I was an 10

11 administrator for 43 years. People who can't focus 12 on the mission at hand 100 percent won't produce a

13 product that is 100 percent.

14 So, if you have gaps in the process, 15 whether it be individuals or IT software or 16 whatever, you try to find ways to fill the gaps so 17 that the product is the best it can be.

18 And in this case, those two units, the 19 auditor and treasurer, I cannot express how

20 critical that function was. And -- and we 21 facilitated -- you know, when you reach a point

22 where you can't produce a tax bill properly, I

23 decided that we would produce a written protocol

24 that the treasurer and the auditor would follow.

The protocol was created. It was 25

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Page 45

1 know the Bates number of what that would be or how 2 it was identified in your discovery? It might help

3 me without a copy.

MS. AVANT: I think the e-mail would 5 begin with Bates number 000283.

MR. BUYCK: Okay. Thank you. And that 7 was -- is that the Walls?

8 MS. AVANT: That's in the Walls case.

9 MR. BUYCK: Okay.

10 MS. AVANT: And for some reason, that's

11 not -- that's what -- it's on my screen, but if

12 that's not right, let me know.

13 MR. BUYCK: That's fine. I'm just 14 trying to pull it up.

15 THE WITNESS: DOR. I forgot about 16 this.

MR. CROSBY: Mr. Kubic, while you look 17 18 at that, let me take a quick break off the record

19 and give you a minute to look that over. I'm going 20 to --

21 THE VIDEOGRAPHER: We are going off 22 record. The time is 2:11 p.m.

23 (A recess transpired.)

THE VIDEOGRAPHER: We are back on

25 record. The time is 2:21 p.m.

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24

1 submitted for review to Mr. Beckert, to Maria

2 Walls, to county council for comment. Came back

3 in, we refined the product, went back to council

4 and said: Here's how we're going to produce the

5 tax bill if we follow step one to step two to step

6 three to step four.

16

I don't know if they use that still 8 today or not, but it was an attempt to make sure

9 that everything was able to be completed on a

10 timely basis for the tax bills to go out.

MR. CROSBY: Pass that around. 11

(PLF. EXHIBIT 7, E-mail Chain with the 12 13 Top Line E-mail from Cynthia Bensch Dated 9/22/16 13

14 was marked for identification.)

15 MR. CROSBY: This is Exhibit Number 7.

MR. BUYCK: You got a Bates number?

MR. J. ANDERSON: No. 17

18 MR. BUYCK: Cynthia Bensch.

MR. J. ANDERSON: Ronnie, would you 19

20 read off the date of the two in the front?

21 MR. CROSBY: The -- the top of it is

22 an -- is an e-mail forwarded September 22nd, 2016,

23 from Cynthia Bensch to Maria Walls.

24 MR. J. ANDERSON: Thank you.

MR. BUYCK: Chelsi, do you happen to 25

1 BY MR. CROSBY:

O. Before we went off, Mr. Kubic, I passed

3 to you Exhibit 7. Did you have an opportunity to

4 look that over?

5 A. Yes.

6 Q. And this is an e-mail exchange between

7 you and someone named Cynthia Bensch?

A. Councilman Bensch.

9 O. She was on council at the time?

10 A. Yes.

Q. And what -- what was the -- the general 11

12 nature of what these communications related to?

A. Generally speaking, this is

14 communications that were generated as a result of

15 trying to develop a road map -- a written road map

16 of duties and responsibilities that involved the

17 auditor's office and the treasurer's office, county

18 administration so that each of the areas of

19 responsibility, as this memorandum had indicated,

20 these various steps would be followed, and we would

21 ultimately lead to the generation of a tax bill and

22 the collection of a tax bill.

23 Q. Was that the beginning efforts of

24 creating that protocol that you were referring to

25 earlier?

12 (Pages 42 - 45)

1 his obsession with control and authority has to 2 obviously affect office morale and performance in 3 many departments, and says: I know you're very 4 concerned.

Was she correct that you were concerned 5 6 about Mr. Beckert's affect on the morale and 7 performance of the various county departments that 8 were under your control?

A. Yes.

O. And that goes back to what you talked 10 11 about earlier?

A. It goes back to Monica Spells, several 12 13 of my staff members, Dave Thomas in purchasing, 14 Alicia, Maria Walls. You know, it -- it -- it's

15 without question that Mr. Beckert was a disruptive 16 force generally.

17 Q. The -- did Maria Walls relay to you 18 other concerns she had with Mr. Beckert's behavior 19 toward her other than the staring through her 20 window?

A. Yes. Maria on several occasions told 21 22 me that she was afraid. She also shared with me a 23 notebook of various things that Mr. Beckert was 24 doing in terms of affecting her department, tape 25 recording her. And she gave me a copy of that

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O. Did -- after you carried the concerns 2 Ms. Walls raised to council, were there ever any 3 solutions proposed by council on how to alleviate 4 these concerns that she had raised to you? A. It was my impression that council felt 5 6 that having them both present at their committee 7 meetings or allowing each of them separately or 8 collectively to address council from the podium 9 about their concerns on a matter in dispute, which 10 they permitted. I do believe that I advised

12 Mr. Sommerville and Mr. Stewart of my concerns

13 regarding the inability of both parties to resolve

14 their differences so that there could be a

15 collective positive outcome in the responsibilities

16 of each at the department, because what's unique

17 about these two departments is they're independent,

18 but their product is -- is a combination of --

of -- of both efforts.

And then the third component is the IT, 20 21 which is the software processing to actually create 22 the tax rolls which then go towards the final 23 product in printing the bills.

So, yeah, they were aware, and I think 24 25 the heightened awareness of it was the tax bills.

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1 notebook I think with the hope that I would be able 2 to somehow correct the situation. The problem for

3 me was I was the county administrator, and I have

4 11 bosses, and besides going to the department of

5 revenue and county council, there is not much else

6 I could possibly do. I couldn't dismiss him or get

7 him out of office. He was an elected official.

Q. Did you go to council with the -- those 9 concerns that -- about Ms. Walls's that she had 10 expressed to you?

A. Yes. The procedure that I employ with 11 12 council, because there are 11, is that I first 13 advise, which I did, my concerns to county chairman 14 and the vice chair, and I think it was at the time

15 Paul Sommerville and Jerry Stewart. As a matter of 16 fact, the protocol -- written protocol on how to

17 get a tax bill was an example of that concern. I

18 think I addressed in several of the meetings,

19 particularly I think finance, that we were having

20 difficulties with the auditor in general.

And I think there were times where the 21 22 auditor and treasurer in those meetings were

23 present, and they both spoke to it, and it was

24 clear from their comments that -- that it was very

25 difficult for them to cooperate with each other.

1 I mean, there were disputes on language, there were

2 disputes on timeliness. And I wasn't the only one

3 that called the department of revenue. Mr. Beckert

4 called them countless times trying to get them to 5 see his way.

Q. And what you learned from your 7 conversations with the department of revenue was 8 that Mr. Beckert's interpretation of the laws was

9 inaccurate?

10 A. Yes. And I think a few times with the 11 extensions -- you know, they were -- they were 12 granting us extensions to push the date to produce 13 the bills back a month or so. But they were keenly 14 aware of Mr. Beckert.

Q. And when you were talking -- mentioned 15 16 earlier about Ms. Walls's concerns for her safety, 17 you were talking about her physical safety?

A. Yes.

MR. J. ANDERSON: Object to the form. 19

20 BY MR. CROSBY:

21 Q. And she expressed that to you?

A. Yes. More than one occasion. 22

O. Was council aware that you had locked 23

24 Mr. Beckert out of your end of the building?

A. I'm not sure. I'm certain that

18

1 Mr. Beckert let them know.

- Q. Did he ever express his displeasure to 3 you?
- 4 A. Oh, yeah.
- 5 Q. That was certainly within your
- 6 authority to take that action, I assume?
- 7 A. Yes. I think there is a -- I'm not
- 8 sure if there is a statute or there is a policy.
- 9 Maybe it's a council policy. But county
- 10 administrators are responsible for the -- all
- 11 buildings of the county, includes maintenance. The
- 12 only caveat would be overall security, which I
- 13 coordinated with the sheriff's office.
- 14 Q. Have you got Exhibit Number 1? Can you
- 15 pass him a copy there?
- 16 A. Give me three minutes so I can read
- 17 this document.
- 18 Q. Just take a second. You probably
- 19 helped write it, so...
- 20 . A. I'm familiar with it.
- Q. And that's the county handbook that was
- 22 adopted -- that version looks like August of 2016?
- 23 A. Yes. Resolution 2016/11.
- Q. And I believe that in addition to
- 25 county employees, that the employees of the

Page 60

- 1 would be created by having all elected officials
- 2 consent to the rules and regulations of a personnel
- 3 handbook, which then offered a level of expertise
- 4 for HR in terms of consistent management or
- 5 application for vacation, sick leave, whatever the
- 6 provision or idea would be.
- Q. Was the adoption by the elected offices
- 8 of this -- of Exhibit 1, the manual, a part of
- 9 the -- I guess the bargain with the county for --
- 10 to receive HR services and that type of thing?
 - A. Yeah. There was a -- sort of a mutual
- 12 understanding that the HR department was under the
- 13 control of the county administrator; however, to
- 14 assist in advertising a position or to assist in
- 15 management or to assist in producing documents on
- 16 behalf of the employee W-2, the actual paychecks,
- 17 how to do electronic deposit, all those things were
- 18 a result of a mutual understanding of how to 19 process.
- 19 process.
- 20 It didn't necessarily mean that I could
- 21 tell any elected official who to hire. That was up
- 22 to them. But the process of how to manage and what
- 23 was expected of both sides, that was the purpose of
- 24 the handbook: Consistency.
- Q. And consistency on that side, and then

Page 59

- 1 auditor's and treasurer's office signed off on that
- 2 document?
- 3 A. I believe all elected officials of the
- 4 county signed off on this document.
- 5 Q. Including council members?
- 6 A. Well, council doesn't hire employees.
- 7 I'm not sure if they did. But all the other
- 8 elected divisions, including I think the
- 9 magistrates, the courts, any other unit that had
- 10 separately had the capability by statute to hire
- 11 their own employees.
- 12 Q. And what was it --
- 13 A. All the hiring of employees for county
- 14 council was done through me. That's why I don't --
- 15 I don't know if county --
- 16 Q. What's the rationale on -- on having
- 17 the other elected officials and their employees
- 18 sign off and adopt this policy?
- 19 A. The recommendation and -- came from our
- 20 outside counsel, I believe, was Attorney Edwards.
- 21 The idea of having a personnel handbook was so that
- 22 the employee and the employer, whether it would be
- 23 county administration, auditor, or treasurer, that
- 24 the expectations and actions of each party would be
- 25 defined in writing, and that the uniform standard

- Page 61
- 1 there was a centralized -- the elected offices got 2 the benefit of using the county's HR services like
- 3 you say for W-2s and --
 - A. Right. Producing a paycheck.
- 5 MR. J. ANDERSON: Object to the form.
 - MR. BUYCK: Note my objection, too.
- 7 THE WITNESS: What was your question
- 8 again?

6

- 9 BY MR. CROSBY:
- 10 Q. There was two sides to it. You had
- 11 consistency and policy over here, but also the
- 12 benefit to the elected offices would be consistency
- 13 and the provision of the HR services?
- 14 A. Yeah. There are certain requirements
- 15 that are involved when you hire an employee. One
- 16 is simply recordkeeping, timekeeping,
- 17 hospitalization, how to produce a paycheck. All of
- 18 those things were products of the HR department
- 19 under my administration as county administrator.
- 20 So the idea was instead of having all the elected
- 21 officials having their own HR department, their own
- 22 check writing, their own hospitalization, for
- 23 purposes of efficiency and movement, it -- it was 24 under the HR.
- 25 This, also, handbook was not just for

16 (Pages 58 - 61)

Page 62 Page 64 1 elected officials, it's also for the new hires to 1 fellow human being. 2 understand what their responsibilities are to the And then it says: The county does not 3 tolerate harassment of any kind and strictly 3 taxpayer of Beaufort County. 4 forbids retaliation against anyone who has reported Q. Right. This is the exact same handbook 4 5 harassment in good faith. 5 that your staff would sign? A. Yes. That's what it says. 6 6 A. Yes. Q. And it sets forth the expectations with 7 Q. And basically it's -- what we've talked 7 8 regard to the -- how you expect county employees 8 about earlier, your efforts that we've talked about 9 to protect your staff and your employees from some 9 and those that sign off on this to act in the 10 of Mr. Beckert's conduct were in effort to provide 10 workplace? It has --11 the working anti -- harassment-free environment to MR. J. ANDERSON: Objection. 11 12 your employees? MR. BUYCK: Note my objection. 12 13 BY MR. CROSBY: A. That's correct. That's just sound --14 sound management. O. -- certain -- certain forbidden --14 Q. Because what -- what Mr. Beckert's 15 15 or behaviors that are set forth in this? 16 conduct, as you observed, would -- rose to the MR. BUYCK: Same objection. 16 17 level of what one would describe as harassment MR. J. ANDERSON: Me too. 17 within this definition? THE WITNESS: It -- it's a -- it's a 18 19 personnel handbook that offers the elected official 19 MR. J. ANDERSON: Objection. THE WITNESS: Are you asking me whether 20 20 the hiring authority and the employee hired by the 21 or not Mr. Beckert violated this provision as 21 hiring authority to know in writing what the 22 expectations would be for each side. And so for 22 written in the employee handbook? 23 BY MR. CROSBY: 23 clarity, and also I think to protect the county 24 Q. That's another way of saying it. 24 overall from random or haphazard claims by A. I would have to say I agree with that 25 25 employees against the county, if they did not Page 65 Page 63 l assessment. 1 follow the handbook, then they have no real Q. And what you did to the best of your 2 position to argue. 3 ability was try to protect the county's employees 3 BY MR. CROSBY: 4 from that type of environment? 4 O. And --A. Yes. 5 A. So, if they violated procedure, we had Q. And you actually tried to -- in some 6 the ability to process them through the conditions 6 7 respects to -- to help protect Maria Walls from 7 and the grievance procedures defined in this book. 8 that conduct by putting up the cameras and taking O. And one of the purposes of the -- some 9 the concerns to county council? 9 of the language in the handbook is to provide a 10 good working environment by prohibiting such things 10 A. Yes. MR. J. ANDERSON: Objection. 11 11 as sexual harassment? 12 BY MR. CROSBY: A. Yes. 12 Q. That's something that was strictly Q. Go over to page -- let me -- let me ask 13 14 something before this. There is always this issue 14 forbidden by the county? 15 about Jim Beckert that seems to permeate, and that A. Appropriate behavior. 15 16 is that no one could do anything about him because Q. If we look at Page 6 at Paragraph 1.3, 16 17 he was an elected official. That was -- and you 17 it has an anti-harassment policy set forth there. 18 and I have talked about that, that you didn't have A. Page 6, 1.3, yes. 18 19 statutory authority to control an elected official, Q. And in the second sentence, it says: 19 20 correct? 20 In addition to county endeavors to provide a 21 working environment in which employees are free 21 A. Yes. 22 from discomfort or pressure resulting from jokes, 22 Q. The office of the auditor and the 23 treasurer are in county-owned property? 23 ridicule, slurs, gossip, threats, bullying,

24

25

A. Beg your pardon?

Q. The offices of both the treasurer and

24 harassment whether relating to such distinctions or

25 simply resulting from a lack of consideration for a

1 the auditor are located in county-owned property?

A. Yes.

2

- 3 Q. And I take it the county provides a
- 4 budget for their offices?
- 5 A. County council does the appropriation 6 for each of the units.
- Q. Was there ever any discussion while you were employed with the county about separating the offices or moving Jim Beckert's office to another
- 10 location?
- 11 A. Well, we had discussions because we
- 12 were locating satellite offices and had satellite
- 13 offices for both the auditor, treasurer, and other
- 14 functions on Hilton Head. We remodeled one stop
- 15 for the Bluffton South of the Broad office. But I
- 16 did not engage -- I did not suggest moving
- 17 Mr. Beckert out of his main office as a result
- 18 of -- of these matters.
- 19 Q. Page 8, Paragraph 1.6.
- 20 A. Page 8. Okay. What paragraph?
- 21 Q. 1.6.
- 22 A. All right.
- Q. And this -- point you to that second
- 24 sentence there where it says: Non-employees may be
- 25 reported to appropriate law enforcement, which you

- 67

- 1 did that, and I believe Mr. -- Ms. Walls may have
- 2 done that over time. And it says that and/or
- 3 barred from the premises.
- 4 Do you have -- and what you're telling
- 5 me is that never was a discussion between you and
- 6 council to your recollection as to whether
- 7 Mr. Beckert could be moved and barred from the
- 8 premises over in Ribaut Road?
- 9 A. Well, two things: One, this particular
- 10 paragraph I would question as to whether it applies
- 11 to an elected official or not. And in that sense,
- 12 to answer your question directly, I did not have
- 13 any discussions regarding removal of Mr. Beckert
- 14 from any of his offices to someplace else as a
- 15 result of these discussions we're having here.
- Q. Well, it has two categories of people,
- 17 either employees or non-employees?
- 18 A. Right.
- 19 O. And Mr. Beckert, what you told me, is
- 20 not an employee?
- 21 MR. J. ANDERSON: Objection.
- 22 THE WITNESS: In my interpretation,
- 23 Mr. Beckert is an elected official and not an
- 24 employee in the sense that he's required to work a
- 25 40-hour week, that he's required to accrue vacation

Page 68

- 1 or sick as a regular employee. There is a separate
- 2 category for elected officials in my opinion. I
- 3 don't know whether it's defined by statute. But he
- 4 is not considered a regular employee for this
- 5 personnel handbook.
- 6 BY MR. CROSBY:
 - Q. He signed a copy, didn't he?
- 8 A. He signed -- all the elected officials
- 9 sign these copies to accept the handbook as a tool
- 10 for new hires in terms of defining the
- 11 relationships between the hiring authority and the
- 12 employee.

7

- Q. Do you have any understanding as -- as
- 14 to whether Mr. Beckert currently is allowed in the
- 15 county building?
- 16 A. Well, I don't have any direct
- 17 knowledge, but I have received a few phone calls
- 18 that he has been moved to another location.
- 19 Q. And -- and I guess that's what I was
- 20 getting at. I mean, council apparently took that
- 21 step and made that decision currently, and that
- 22 was -- all this was just directed as whether or not
- 23 that had ever come up in your tenure about moving
- 24 him?
- A. No. Not to remove him from his office

Page 69

- 1 location.
- Q. And the county owns the building and
- 3 controls the building, correct?
- 4 A. Yes.
- 5 Q. And presumedly since they've done it
- 6 now, had council wanted to take that action when
- 7 you first brought these complaints to their
- 8 attention, they could have done so?
- 9 MR. BUYCK: Note my objection.
- 10 MR. J. ANDERSON: Objection.
- MR. BUYCK: In a matter of law.
- 12 THE WITNESS: Well, I suppose they
- 13 could have. I don't know if it was offered as a
- 14 solution.
- 15 BY MR. CROSBY:
- 16 O. That -- it would be council that would
- 17 have to make that decision, correct? It wouldn't
- 18 be --
- 19 A. It's not me.
- 20 Q. You wouldn't have that power?
- 21 A. Huh-uh. Maybe the governor.
- Q. And with regard to the employees, there
- 23 is certain rules set out in here about conduct and
- 24 a lot of other stuff, but how employees are to
- 25 conduct themselves as county employees. And there

18 (Pages 66 - 69)

- 1 Eargle versus Horry County?
- 2 A. No.
- 3 Q. Okay. So when you had issues in
- 4 regards to disputes between the auditor's office
- 5 and the treasurer's office, I believe at one time
- 6 you reached out to the department of revenue at -- 7 you've testified to --
- 8 A. Yes, that's correct.
- 9 Q. More than one occasion, I believe?
- 10 A. That's right. More than one occasion.
- 11 Q. And, in fact, Mr. Beckert and Ms. Walls
- 12 would come into their offices with their own
- 13 political stances, correct?
- 14 A. Yes.
- Q. And, in fact, they -- they tend to have
- 16 differing political stances on how these tax
- 17 revenues and -- and valuation of properties and
- 18 whatnot should be applied, correct?
- 19 A. They would have varying opinions. Yes,
- 20 that's correct.
- Q. And those were things that you were
- 22 trying to have their offices come together and --
- 23 and be able to make a determination as to the
- 24 appropriate way the county could get the tax bills
- 25 out and the appropriate way for them to work
 - Page 95
- 1 together in harmony to produce the products that
- 2 each of their offices required, correct?
- A. Yes.
- 4 O. Now, in regards to the performances of
- 5 their jobs, are you aware of attorney general
- 6 opinions that were sought by both Ms. Walls as well
- 7 as Mr. Beckert in regards to what their
- 8 responsibilities and duties may be?
- 9 A. You know, I'm aware that they
- 10 probably -- they did ask attorney general office
- 11 for an opinion. I don't remember exactly what
- 12 those -- what their letters requesting an opinion
- 13 resulted in, but I do think that they sought
- 14 guidance from that office.
- 15 Q. And you talked earlier about how many
- 16 times you have to look to courts, judges, and
- 17 precedence to make a determination of the true
- 18 interpretation of a statute, correct?
- 19 A. Yes.
- Q. I mean, different people can look at
- 21 statutes and have differing opinions as to their
- 22 affect and implications many times, correct?
- 23 A. Absolutely.
- 24 O. And Mr. Beckert would come to you and
- 25 to others with his interpretations of those

- Page 96
- 1 statutes in regards to his political view as to
- 2 those statutes many times; would he not?
 - A. Right. He would.
 - Q. So he was presenting his political
- 5 position many times in these disputes between he
- 6 and Ms. Walls?
- A. I would -- I would -- I would qualify
- 8 it by saying a political view -- I'm not sure if
- 9 he -- his motives were political. But he certainly
- 10 had differing opinions as to what the statute
- 11 intended.

14

- 12 Q. Okay. Well, let me ask you this: Were
- 13 you involved in the recent millage disputes?
 - A. No.
- 15 Q. Okay. So that was after your tenure as
- 16 the administrator for Beaufort County?
- 17 A. There were -- every year there is
- 18 discussions as to what the appropriate one mill
- 19 value is. If you're referencing the most recent
- 20 dispute, I'm not involved in that. But during my
- 21 tenure, there were questions as to what the
- 22 appropriate values were.
- Q. And do you recall even seeking the
- 24 department of revenue to come down and offer
- 25 seminars to both the auditor's departments and the

Page 97

- 1 treasurer's departments on certain issues such as
 - 2 the values of mills?
 - 3 A. Yes. They said they didn't know the
 - 4 route to Beaufort County, so they tried to avoid
 - 5 us. No, I'm just kidding. I'm throwing some
 - 6 light --
 - 7 The department of revenue, we
 - 8 requested -- I requested, I think both Mr. Beckert
 - 9 and Ms. Walls requested assistance from the
 - 10 department of revenue to help guide the county, per
 - 11 se, through that process. And it never really got
 - 12 resolved by the department of revenue.
 - 13 And one of the reasons I think -- I
 - 14 don't know if I should -- one of the reasons I
 - 15 believe that the department of revenue recognizes
 - 16 the authority given elected officials like the
 - 17 auditor or treasurer or county council is that that
 - 18 authority is passed to them by the voters.
 - 19 And in South Carolina, you don't have
 - 20 uniform systems. Some may have more sophisticated
 - 21 computer, others may not. How disputes are handled
 - 22 and how the department -- or the board of
 - 23 equalization's handled, I believe the department of
 - 24 revenue cast a thousand different varying opinions
 - 25 predicated on the individual circumstances of any

- 1 requirements and be paid the full salary, no
- 2 question.
- 3 We offered to every elected official
- 4 the opportunity to contact the legal department
- 5 with any question that they had regarding a legal
- 6 matter to get an opinion. That seemed to be a
- 7 reasonable approach. Simply because we were paying
- 8 attorneys for legal advice, why not allow an
- 9 elected official to do that?
- 10 Q. But does that elected official have an
- 11 attorney-client relationship with the county
- 12 attorney?
- 13 A. Once it's established, I would assume
- 14 they do.
- 15 Q. That's your -- that's your opinion on
- 16 that matter?
- 17 A. Well, it depends on whether or not the
- 18 elected official requests a privileged
- 19 communication between that elect -- themselves and
- 20 the attorney. If it's not proffered as a
- 21 privileged communication, then it's a public record
- 22 available to anyone.
- 23 And particularly, I remember the
- 24 sheriff and I arguing constantly because he wanted
- 25 to have his own attorney, and I felt that it --
- Page 135
- that was not necessary, that there was enough legal
- 2 precedent in most cases where he could get the same
- 3 advice from a person of -- I'm paying rather than
- 4 paying for a second attorney.
- Q. That's -- all right. Do you know ifsuccessive administrators felt the same way that
- 7 you did?
- 3 A. I don't -- I don't -- I -- I do not
- 9 know any of the people -- you know, you have to
- 10 figure it this way: People referred to me as the
- 11 legend that can't be replaced. I have -- I have no
- 12 idea whether they felt one way or another. I just
- 13 thought I'd throw that in because, you know,
- 14 sometimes it can get too heavy in these rooms.
- 15 I don't -- I don't mean to -- this is
- 16 very serious. I don't know what they thought, and
- 17 I believe they had the right and privilege to do
- 18 whatever they wanted to do within the confines of
- 19 their agreement with county council.
- 20 MR. J. ANDERSON: Okay. Well, I thank
- 21 you for your time.
- THE WITNESS: Thank you.
- 23 MR. J. ANDERSON: I really appreciate
- 24 it. And I've got no further questions unless these
- 25 two gentlemen do.

- Page 136
- MR. CROSBY: I've just got a couple of
- 2 follow-ups.
- 3 EXAMINATION
- 4 BY MR. CROSBY:
- Q. When you took action after your
- 6 employees -- the staff complained or brought to you
- 7 complaints about Beckert's -- Beckert's conduct
- 8 toward them, and you sealed off the -- your part of
- 9 the building, I mean, you made a determination that
- 10 what they were telling you had merit and you needed 11 to protect them?
- 12 MR. J. ANDERSON: Object to the form.
- 13 THE WITNESS: My answer is yes, that I
- 14 felt that separation created, on a daily basis, a
- 15 work environment wherein they could feel
- 16 comfortable. But my style as a county
- 17 administrator is that I strongly believed in the
- 18 delegation of authority and responsibility to my
- 19 employees or department heads.
- That being said, I knew that it was
- 21 unreasonable to create a fence so that each party
- 22 would continuously be separated. And so what I
- 23 tried to do on those occasions where the level of
- 24 expertise required a Monica Spells to be present in
- 25 a meeting on an issue where Mr. Beckert would

Page 13

- 1 attend, I generally would insert myself as a level
- 2 of reasonableness and comfortability for both Jim
- 3 and for my employee, whoever had to be in the
- 4 meeting.
- 5 BY MR. CROSBY:
- 6 Q. Yeah. I'm -- and -- and I'm just
- 7 talking about it in the simplest terms. You --
- 8 from what you'd seen, you had no reason to doubt
- 9 that Monica Spells and these other employees were
- 10 accurately relaying their concerns to you about
- 11 Mr. Beckert's conduct toward them?
- 12 A. I had no reason to believe that what
- 13 was being told to me by my staff, by any individual
- 14 of my staff, was inaccurate. It was their feeling,
- 15 and I respected their feelings.
- 16 Q. And the same holds true for the
- 17 concerns that Maria Walls relayed to you about
- 18 Mr. Beckert's conduct toward her?
- 19 A. That's correct. I -- I never tried to
- 20 insert myself to try to change how a person felt
- 21 about a circumstance or a meeting or a discussion.
- 22 I respected their point of view face value, and it
- 23 was a requirement where I could insert myself to
- 24 mitigate; if that's what I felt was necessary,
- 25 tried to do that. Oftentimes I -- I was limited in

In the Matter of:

ALICIA HOLLAND

VS.

BEAUFORT COUNTY, and JAMES BECKERT, Individually, and in his official capacity

Ebony Sanders

September 28, 2021



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Page 26 Page 25 1 Q So everything that went between you and 1 BY MR. CROSBY: Mr. Beckert then had to be filtered through the 2 2 Q Well, I -- I don't want to misstate what she said. What did she end up ultimately deciding? 3 county administrator? 3 A I cannot remember verbatim what she said 4 A That is correct. 4 5 O Did that help? 5 because it's been a while. A Yes. It did. 6 6 O What did you take away from it? 7 Q And at some point in time, Mr. Beckert 7 A What I took away from it, that it was no 8 find of -- that it's -- just didn't find a fault. was -- his office was relocated? 8 9 A That is my understanding. 9 Q Did -- did anything -- to -- to your 10 Q Does he still maintain an office space in knowledge, was any action taken by the county as a 10 the administrative building? 11 11 result of your grievance? A I do not know if he's there or not. The A Yes. 12 12 13 auditor's office has an office space, but not -- him Q What -- what -- what came about? 13 14 personally, I do not know the answer to that. 14 A From what I understand, the county Q Have you seen him in the building? 15 administrator, at the time, Ms. Ashley Jacobs, she 15 A No. No. 16 intervened in between myself and Mr. Reckert. Any 16 17 Q Have you heard any talk about him climbing correspondence, any discussions, any conversation 17 into his office through his window? was to go through her. She acted as a shield 18 18 19 A No. No. 19 between the two of us. I would not have direct Q Not -- not something that you have heard? 20 20 contact with him. So at least as far as you're concerned, the efforts Q Does that remain the same today? 21 21 22 filtering -- putting a filter in place and, I guess, 22 A That is correct. ultimately, removing Mr. Beckert from the 23 Q When -- when did that go in place? 23 administrative building has helped your situation? 24 A That went in place immediately after I 24 wrote the objection before Ms. Edwards got involved. 25 A Yes, sir. 25 Page 28 Page 27 1 1 O Do you know whether Mr. Beckert ever A Yes. 2 Q And were people within your office 2 responded to your grievance, or if he was asked to 3 experiencing -- expressing to you that they were 3 respond to it? experiencing similar emotions? A No. I'm not -- I'm not sure if he was or 4 A Yes. There was a high level of 5 5 6 frustration amongst myself and others in the office. Q You weren't provided with any response 6 7 Q Was the environment that was being created 7 from Mr. Beckert? by Mr. Beckert conducive to good governance --8 8 A No. sir. I was not. MR. ANDERSON: Object to the form. O Are all the statements that you have here 9 9 10 BY MR. CROSBY: 10 in -- as far as Mr. Beckert's conduct toward you Q -- in getting the work of -- of your 11 11 that are outlined in your grievance -- are those 12 office done? 12 true statements? 13 A No. There were bottlenecks that was -- he 13 A Yes, sir. They are. 14 Q And how did -- I mean, you got to the 14 15 Q And tell me just an example of how he point a year and a half after you're in this job. 15 16 would do that. Tell me how you were feeling as a result of Mr. 16 17 A Not producing tax bills that the statute Beckert's conduct toward you. 17 says that we -- that must be produced that the 18 18 A It was demeaning. It was unbearable at assessor has to have a bill produced is one example. times. I felt uneasy. I felt that my job was in 19 19 question. I felt that individuals doubted -- I felt Q And would he - what was his explanation 20 20 for not producing tax bills? 21 21 he put people -- doubt in people mind that I had the ability and should have the job that I hold -- the 22 A He -- in those cases, we would -- wanted 22 23 us to prove to him the legitimacy of it. 23 position I hold. 24 Q And were any of the -- was he able to ever Q Was that a constant set of emotions that 24 show that his claims that things were not legitimate 25 you went to work with? 25



Deposition of: **D. Paul Sommerville**

April 8, 2021

In the Matter of:

Holland, Aliciav. Beaufort County et al

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Page 10 Page 12 1 office, had installed cameras on the County treatment of his staff? 1 administration building because of Jim Beckert's A. He -- he complained -- we're not 2 peering through Maria Walls' windows? 3 talking about his job performance now. 4 A. Yes. 4 Q. Right. 5 Q. When did you learn of that? A. We're talking about treatment. 5 A. Well, let's see. Gary left in -- I'm 6 6 Q. Right. 7 not going to try to pinpoint that date because I 7 A. Okay. Gary and I had -- Gary -- Gary 8 don't remember exactly when he left, but sometime told me on several occasions that Jim Beckert 8 prior to Gary leaving he told me that -- he told me 9 was -- I don't want to misquote Gary and it's very he was installing cameras for that purpose. Among difficult to try to remember his exact words, but 10 others, there were other -- it wasn't the only I'm trying. I'm going to have to paraphrase 11 11 purpose, but it was a purpose. 12 because I'm not sure of his exact words, that he 12 13 Q. What you learned is that what prompted was harassing some employees. 13 it was a complaint from Maria Walls about Jim 14 14 Q. Did Gary inform you of any action that 15 Beckert peering through her window? 15 he had taken to protect those employees? A. Yes. Gary -- I was chairman during 16 A. Yes. 16 some of that -- oh, excuse me, I forgot to turn my 17 MR. ANDERSON: Object to the form. 17 phone off. I'm sorry. Oh, shoot. Sorry. I 18 BY MR. CROSBY: 18 forgot to turn my phone off. 19 Q. Did -- did he relay to you that Jim 19 Beckert would peer through his window as well? 20 20 MR. BUYCK: If you need to get that A. On numerous occasions, yes. 21 call you're welcome to. 21 22 Q. In your time on County Council, was the 22 THE WITNESS: What's that? issue of Jim Beckert's behavior toward employees MR. BUYCK: If you need to get that 23 and/or Maria Walls ever discussed as an agenda item 24 24 call --25 or in an executive session item where there was THE WITNESS: No, no, no. I -- it's --25 Page 13 Page 11 some effort to determine if anything could be done I'll call them back. 1 2 to stop it? 2 Again, would you repeat the question? I'm sorry I was interrupted. 3 A. I don't recall. 3 Q. Did Gary Kubic ever express to you any 4 BY MR. CROSBY: 4 Q. I believe the question was did Gary frustration about his inability to stop Jim 5 5 ever tell you or did you learn of any actions that 6 Beckert's behavior? 6 7 Gary had taken to protect any of the County A. Yes. 7 8 Q. And -- and tell me -- tell me what you employees from Jim Beckert's harassment? 8 9 9 A. Yes. recall about that. 10 A. I can remember on several occasions Q. What -- what did you learn? 10 Gary being extremely frustrated because he -- he 11 A. He told me on numerous occasions that 11 couldn't figure out how to solve that problem, the 12 he had gone to Beckert's office and talked to him 12 and brought Beckert into his office to talk to him 13 Beckert problem, in spite of his efforts. 13 14 O. I believe after Maria Walls filed her 14 to try to prevent some of that behavior. lawsuit, you were interviewed by the -- the paper 15 15 Q. Did you ever learn that he had blocked, and you indicated that -- you acknowledged the basically limited Jim Beckert's access to his 16 16 complaints that had been received and indicated it 17 part -- part of the building? 17 18 had been on an ongoing basis? MR. ANDERSON: Objection. 18 19 A. (Indicating an affirmative response.) THE WITNESS: I am not aware that Gary 19

4 (Pages 10 - 13)

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O. Is that correct?

A. That's correct.

Q. And you're quoted in there as saying,

"We concluded that because he's an elected official

there wasn't a whole lot we can do." And it says,

"I never felt comfortable with that because I just

discussed.

BY MR. CROSBY:

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Kubic limited Beckert's access to any part of the

O. What about, did you become aware that

building or -- I don't remember that that was

Gary Kubic, in conjunction with the sheriff's

1		1	
١.	Page 14		Page 16
$\frac{1}{2}$	kept thinking there has to be something we can do	1 2	BY MR. CROSBY:
2	to help these poor people."	2	Q. If there was anything that could have
3	Do you recall saying that?	3	been done within the power of the County
4	A. I do.	4	administrator or department heads to protect from
5	Q. When you say we made the decision or we	5	Jim Beckert's harassing behavior, that should have
6	concluded that there wasn't much could be done was		been done?
7	that council concluded or are you talking about	7	A. You mean I'm still not understanding
8	County government?	8	- O X 1
9	A. No, I'm really talking about Gary and	9	Q. Is it
10	myself because my conversations were not with the	10	A exactly how you're wording the
11	council itself. We may have had individual	11	question.
12	conversations. I don't recall that we had a group	12	Q. Well, would you agree that if there
13	conversation, a council conserv conversation.	13	were actions that could have been done to protect
14	But I had many conversations with Gary about it and		from Jim Beckert's harassing behavior, that any
15	so I guess the "we" I'm talking about really is	15	available avenue should have been pursued?
16	Gary and I. I think I was probably chairman at	16	MR. ANDERSON: Object to the form.
17	that time.	17	THE WITNESS: Oh, absolutely. Would
	Q. And as chairman you would have had a	18	have been, certainly would have been by Gary and my
19	lot of direct communications with the County administrator?	19	opinion would have been pursued by Gary Kubic and
20 21	A. Daily.	20 21	would have been pursued by me in my role. We just
22	Q. Was there ever a a legal opinion	22	never could come up with anything that seemed to have any likelihood of success. It was very
23	that was issued where that was looked at to see if	23	frustrating.
24	there was anything that could be done?	24	BY MR. CROSBY:
25	A. I don't have direct knowledge of any	25	Q. Did you ever have any conversations
23		23	
1	Page 15	1	Page 17
1	conversations that may have taken place between Gary and attorneys or Gary and the governor's	1	over the years with Maria Walls about her concerns
2	CTALLY AND AUDITIESS OF CHAILY AND THE SOVETHOLS		
1		2	about Jim Beckert's behavior?
3	office or Gary and whoever. I mean I had second	3	A. Yes. I can't tell you how many, but it
3 4	office or Gary and whoever. I mean I had second I have secondhand information that those	3 4	A. Yes. I can't tell you how many, but it was probably quite a few.
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3 4 5 6	office or Gary and whoever. I mean I had second I have secondhand information that those conversations took place, but no firsthand information.	3 4 5 6	A. Yes. I can't tell you how many, but it was probably quite a few.Q. Was that something that was a constant topic between you and Maria where she would bring
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3 4 5 6 7 8	office or Gary and whoever. I mean I had second I have secondhand information that those conversations took place, but no firsthand information. Q. Did you ever see any anything in writing that came to the conclusion that nothing	3 4 5 6 7 8	A. Yes. I can't tell you how many, but it was probably quite a few. Q. Was that something that was a constant topic between you and Maria where she would bring up her concerns about Jim Beckert? A. Yes.
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	Holland, Aliciav. B	eau	fort County et al
	Page 18		Page 20
1	Administration Building had been restricted?	1	I just don't recall it. I think I have read every
2	A. Yes.	2	article involving Mr. Beckert that's been written.
3	Q. Tell me how you came to learn of that.	3	I may have missed one because I'm out of town quit
4	A. I believe that the then-County	4	a bit, but I usually catch up when I come back,
5	administrator told us that told the County	5	SO
6	Council at an executive session. It wasn't it	6	Q. Were there any ever any discussions
7	was after Gary. This was Ashley Jacobs.	7	in executive session about Jim Beckert's treatment
8	Q. She told council that she had taken the	8	of County employees?
9	steps to restrict his access	9	A. Yes.
10	A. Correct.	10	Q. When when would that have occurred?
11	Q and prohibit prohibit him from	11	A. Sometime in the first half of 2020.
12	having any contact with County employees?	12	Q. And what was what what brought
13	A. Yeah, let me, if I may, clarify	13	that to be an item of executive session?
14	something I said a minute ago that we had no	14	A. Well, my impression was that
15	executive sessions to talk about Jim Beckert. That	15	Ms. Jacobs Ms. Jacobs was extremely frustrated
16	was under Gary Kubic. But I can't recall any, but	16	dealing with Jim Beckert, as was Gary Kubic, the
17	now we're moving forward to Ashley Jacobs and under	17	difference being that I had a lot more daily
18	Ashley Jacobs we did have, I don't remember, one or	18	communication with Gary Kubic than I had with
19	two, but we had at least one.	19	Ms. Jacobs simply because I wasn't the chairman
20	Q. Okay. Well, I was going to ask you	20	beginning in 2020.
21	about Ashley Jacobs. So did Ashley Jacobs ever	21	Q. What do you recall about
22	relay comp complaints about Jim Beckert's	22	A. Or or '19, for that matter.
23	harassment of County employees?	23	Q. What do you recall about the specifics
24	A. Yes.	24	that she was relaying to council about her
25	Q. What do you recall about your	25	frustrations with Jim Beckert?
	Page 19	1	Page 21
1	conversations with Ms. Jacobs?	1	A. I recall that her primary focus was
2	A. A lot of her complaints about Jim	2	getting the tax bills out and getting the
3	Beckert had to do with his job performance.	3	closing the books, getting the CAFR out and his
4	Q. Well, would I'm talking about	4	his role in those things, particularly the tax
5	specific to his harassment of County employees.	5	bills.
6	A. Right. I'm trying to recall if she	6	Q. Well, and what about specific to his
7	she very well may have, but I can't I can't	7	conduct toward County employees and others on
8	swear that that happened, that she did, that she	8	County property?
9	talked about his harassment. She very I'm sorry	9	A. It was discussed, but I can't remember
10	to say I just don't specifically remember. I had	10	the particulars of it.
11	so many conversations with so many people about his	11	Q. Was there any executive action
12	harassment, that I'm not sure if she was one.	12	discussed that that was proposed to be taken
13	I had conversations with her about Jim	13	with regard to Jim Beckert's conduct toward County
14	Beckert, but I'm not sure if harassment was part of	14	employees?
15	those con it may may well have been, but I'm	15	A. Yes. I don't know who came up with
16	not sure.	16	this idea. I may have known at the time, but I
17	Q. Did she ever relay to you that Jim	17	don't know now. Somebody came up with the idea
18	Beckert exhibited harassing behavior toward her?	18	that we could exclude him or, I'm sorry, that the
19	A. She never said that directly to me. I	19	administrator had control over the building, the
20	think I think I may have heard that secondhand,	20	County Office Building and, therefore, had the
21	but I'm not sure.	21	authority to exclude him from that building and
22	Q. Did did did you read in any	22	that was going to be the action taken and, in fact,
23	newspaper articles where she was quoted as that, as	23	that was the action taken.
24	having been harassed by Jim Beckert?	24	Q. Now, that was after the lawsuits were
25	A. If there was an article, I read it, but	25	filed?
23	A. Il mere was an arnole, lifeau n, but	23	11104.

-	Holland, Aliciav. B	Cau.	tort County et al
	Page 22		Page 24
1	A. I can't I don't know what the	1	Q. Was that something that she complained
2	sequence was.	2	to you about on multiple occasions?
3	Q. Other than that, do you recall any	3	A. Yes.
4	action that was discussed with regard to Jim	4	Q. Was the the complaint typically the
5	Beckert's conduct toward	5	same, that Beckert was harassing her?
6	A. Yes, I heard some conversations about	6	A. Well, a lot of her complaints had to do
7	going to the governor, but they were they were	7	with his because she was the chief financial
8	secondhand conversations and so	8	officer and responsible for the finance of the
9	Q. That was something that was discussed	9	of the County, she a lot of her complaints,
10	in executive session or just something that was	10	certainly not all of them, but a lot of them had to
11	talked with outside of?	11	do with his job performance. But yes, she also
12	A. No, I don't recall it being discussed	12	complained about his harassment.
13	in executive session, but I do recall it being	13	Q. Did she
14	discussed between myself and Josh Gruber, Gary	14	A. To me.
15	Kubic.	15	Q complain to you that he was causing
16	Q. With regard to the County administrator	16	her discomfort and stress?
17	having the power or control over access to the	17	A. I'm struggling to answer that question
18	buildings, whatever that timing was, was there any	18	because I'm not sure if if my conversation with
19	vote on that or was it just a discussion that she	19	her was privileged, so
20	actually, the County administrator, possessed that	20	Q. I don't I don't know how it would
21	power?	21	be, but as her attorney, it's okay to tell me.
22	A. My recollection is that in executive	22	A. Okay. No, I think there were other
23	session, Ashley Jacobs proposed that idea. There	23	things that frustrated her as well, but yes, Jim
24	was never a vote, to my knowledge, and as a as I	24	Beckert was certainly one of them.
25	recall, she proposed it as something within her	25	Q. Did she relay to you that she was
23		23	
	Page 23	١,	Page 25
1	authority to do. It didn't require a vote.		stressed about whether that Jim was causing her
2	Q. The the County does have control	2	stress in in doing her job?
3	over the County property, correct?	3	A. Yes.
4	A. Absolutely.	4	Q. Let me give you a couple of documents
5	Q. So that's basically what she was	5	and I'll let him take a break so you can look at
6	suggesting is, as in her role as the highest	6	them.
7	ranking County employee, she had the authority to	7	MR. CROSBY: What exhibit numbers are
8	make that take that type of action?	8	these?
9	MR. BUYCK: Note my objection.	9	MS AVANT: (Inaudible.)
10	THE WITNESS: Correct.	10	THE WITNESS: Take a break, like make a
11	BY MR. CROSBY:	11	call? Or take a break, like wait for them?
12	Q. There was no vote taken that night	12	MR. BUYCK: You can make a call.
13	to or in that meeting to give her special power?	13	MR. CROSBY: Let's just go off the
14	A. No, I only I only wish that I had	14	record.
15	thought of it. I only wish Gary Kubic had thought	15	THE VIDEOGRAPHER: We are going off
16	of it. As far as I know, Gary Kubic didn't think	16	record. The time is 2:42 p.m.
17	of it, Josh Gruber didn't think of it, and I didn't	17	(A Recess transpired.)
18	think of it, so, but somebody did at some point and	18	(EXHIBIT 14, Letter, 3-6-18, was marked
19	I think it so	19	for identification.)
20	Q. Do you re did you have more than	20	(EXHIBIT 15, E-Mail, 5-21-19, was
21	one conversation with Alicia Holland	21	marked for identification.)
22	A. Yes.	22	(EXHIBIT 16, E-Mail, 8-7-20, was marked
23	Q about Beckert's behavior towards	23	for identification.)
24	her?	24	(EXHIBIT 17, E-Mail, 8-19-20, was
25	A. Yes.	25	marked for identification.)

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١.	Page 30		Page 32
1	around \$10,000?		denied access to the County administration
2	A. Yes, I do recall that.	$\frac{2}{3}$	building, did you learn that he was being granted
3	Q. And that that arose because of	3	access?
4	Mr. Beckert's claim that Alicia Holland had	4	A. Yes.
5	improperly calculated the millage?	5	Q. How did you learn that?
6	A. Correct. As I recall, he questioned	6	A. It was told to me by a staff member and I'm not sure which one or ones it may have been.
7	her methodology and demanded that the County do an	7 8	Q. And what was your take on that?
8	audit or out bring in an outside auditor to	9	A. Well, I was surprised and I was
9	confirm his his belief which was different from	10	concerned.
10	hers.	11	Q. What were you concerned about?
12	Q. And the results of the outside auditor's work confirmed that Ms. Holland was doing	12	A. My it was my understanding that he
13	her calculations correctly?	13	had been forbidden to come in the building.
14	A. That's my recollection, yes.	14	Q. And also forbidden to have any direct
15	Q. Exhibit No. 14 is a letter to Alan	15	contact with any County employees?
16	Wilson, the attorney general, in March 6, 2018. Do	16	MR. ANDERSON: Object to the form.
17	you recall a request about changing the form of	17	THE WITNESS: Yes.
18	government?	18	BY MR. CROSBY:
19	A. Yes.	19	Q. And that was something that you, as a
20	Q. And on the second page there is a, as	20	council member, thought was an appropriate action?
21	part of the request, there was a request of the	21	MR. ANDERSON: Objection.
22	attorney general as to whether or not if the	22	THE WITNESS: Absolutely. It was the
23	referendum was successful whether one of the	23	first thing that I can recall that had any teeth in
24	positions could be remain elected and one of	24	it. By that by that, what I mean is that we
25	them be appointed by the County. Do you recall	25	were we could actually do something to help
	Page 31		Page 33
1	Page 31 that?	1	Page 33 these people.
1 2	-	1 2	Page 33 these people. BY MR. CROSBY:
	that?		these people.
2	that? A. Yes.	2	these people. BY MR. CROSBY:
2 3	that? A. Yes. Q. Why were you making that particular	2 3	these people. BY MR. CROSBY: Q. And to to help shield them from Jim
2 3 4	that? A. Yes. Q. Why were you making that particular request?	2 3 4	these people. BY MR. CROSBY: Q. And to to help shield them from Jim Beckert's
2 3 4 5	that? A. Yes. Q. Why were you making that particular request? A. This is signed by the assistant County	2 3 4 5	these people. BY MR. CROSBY: Q. And to to help shield them from Jim Beckert's A. Yes.
2 3 4 5 6	that? A. Yes. Q. Why were you making that particular request? A. This is signed by the assistant County attorney, Chris Inglese.	2 3 4 5 6	these people. BY MR. CROSBY: Q. And to to help shield them from Jim Beckert's A. Yes. Q harassing behavior?
2 3 4 5 6 7	that? A. Yes. Q. Why were you making that particular request? A. This is signed by the assistant County attorney, Chris Inglese. Q. You're copied on it, but A. Yes. Q there would have had to have been an	2 3 4 5 6 7	these people. BY MR. CROSBY: Q. And to to help shield them from Jim Beckert's A. Yes. Q harassing behavior? A. Yes. Q. And just just looking over time, his behavior over the last several years leading up to
2 3 4 5 6 7 8	A. Yes. Q. Why were you making that particular request? A. This is signed by the assistant County attorney, Chris Inglese. Q. You're copied on it, but A. Yes. Q there would have had to have been an approval from for him to send that request, it	2 3 4 5 6 7 8	these people. BY MR. CROSBY: Q. And to to help shield them from Jim Beckert's A. Yes. Q harassing behavior? A. Yes. Q. And just just looking over time, his behavior over the last several years leading up to this decision to restrict his access, it had
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2 3 4 5 6 7 8 9 10 11 12 13 14	A. Yes. Q. Why were you making that particular request? A. This is signed by the assistant County attorney, Chris Inglese. Q. You're copied on it, but A. Yes. Q there would have had to have been an approval from for him to send that request, it was at the request of either council or yourself as chairman? A. Oh, yeah, I don't specifically remember the conversations that led up to it, but I remember	2 3 4 5 6 7 8 9 10 11 12 13 14	these people. BY MR. CROSBY: Q. And to to help shield them from Jim Beckert's A. Yes. Q harassing behavior? A. Yes. Q. And just just looking over time, his behavior over the last several years leading up to this decision to restrict his access, it had been what you were hearing had been pretty much the same, the way he was harassing and bullying different people? A. Yes, but as time went on yes, yes.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Yes. Q. Why were you making that particular request? A. This is signed by the assistant County attorney, Chris Inglese. Q. You're copied on it, but A. Yes. Q there would have had to have been an approval from for him to send that request, it was at the request of either council or yourself as chairman? A. Oh, yeah, I don't specifically remember the conversations that led up to it, but I remember we talked about it a lot. I say "we." I mean the administrator and I talked about it. The vice	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	these people. BY MR. CROSBY: Q. And to to help shield them from Jim Beckert's A. Yes. Q harassing behavior? A. Yes. Q. And just just looking over time, his behavior over the last several years leading up to this decision to restrict his access, it had been what you were hearing had been pretty much the same, the way he was harassing and bullying different people? A. Yes, but as time went on yes, yes. Q. As time went on, did it escalate? A. I was about to say that as time went on
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	that? A. Yes. Q. Why were you making that particular request? A. This is signed by the assistant County attorney, Chris Inglese. Q. You're copied on it, but A. Yes. Q there would have had to have been an approval from for him to send that request, it was at the request of either council or yourself as chairman? A. Oh, yeah, I don't specifically remember the conversations that led up to it, but I remember we talked about it a lot. I say "we." I mean the administrator and I talked about it. The vice chairman and I talked about it. Some of the council members talked about it. Q. Is that something that's still under review?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	these people. BY MR. CROSBY: Q. And to to help shield them from Jim Beckert's A. Yes. Q harassing behavior? A. Yes. Q. And just just looking over time, his behavior over the last several years leading up to this decision to restrict his access, it had been what you were hearing had been pretty much the same, the way he was harassing and bullying different people? A. Yes, but as time went on yes, yes. Q. As time went on, did it escalate? A. I was about to say that as time went on there were more and more people involved in those conversations. Q. And his behavior had been pervasive throughout that time and even getting worse?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Yes. Q. Why were you making that particular request? A. This is signed by the assistant County attorney, Chris Inglese. Q. You're copied on it, but A. Yes. Q there would have had to have been an approval from for him to send that request, it was at the request of either council or yourself as chairman? A. Oh, yeah, I don't specifically remember the conversations that led up to it, but I remember we talked about it a lot. I say "we." I mean the administrator and I talked about it. The vice chairman and I talked about it. Q. Is that something that's still under review? A. Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	these people. BY MR. CROSBY: Q. And to to help shield them from Jim Beckert's A. Yes. Q harassing behavior? A. Yes. Q. And just just looking over time, his behavior over the last several years leading up to this decision to restrict his access, it had been what you were hearing had been pretty much the same, the way he was harassing and bullying different people? A. Yes, but as time went on yes, yes. Q. As time went on, did it escalate? A. I was about to say that as time went on there were more and more people involved in those conversations. Q. And his behavior had been pervasive throughout that time and even getting worse? MR. ANDERSON: Object to the form.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Yes. Q. Why were you making that particular request? A. This is signed by the assistant County attorney, Chris Inglese. Q. You're copied on it, but A. Yes. Q there would have had to have been an approval from for him to send that request, it was at the request of either council or yourself as chairman? A. Oh, yeah, I don't specifically remember the conversations that led up to it, but I remember we talked about it a lot. I say "we." I mean the administrator and I talked about it. The vice chairman and I talked about it. Q. Is that something that's still under review? A. Yes. Q. Was was there ever a response to	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	these people. BY MR. CROSBY: Q. And to to help shield them from Jim Beckert's A. Yes. Q harassing behavior? A. Yes. Q. And just just looking over time, his behavior over the last several years leading up to this decision to restrict his access, it had been what you were hearing had been pretty much the same, the way he was harassing and bullying different people? A. Yes, but as time went on yes, yes. Q. As time went on, did it escalate? A. I was about to say that as time went on there were more and more people involved in those conversations. Q. And his behavior had been pervasive throughout that time and even getting worse? MR. ANDERSON: Object to the form. THE WITNESS: That's an opinion.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Yes. Q. Why were you making that particular request? A. This is signed by the assistant County attorney, Chris Inglese. Q. You're copied on it, but A. Yes. Q there would have had to have been an approval from for him to send that request, it was at the request of either council or yourself as chairman? A. Oh, yeah, I don't specifically remember the conversations that led up to it, but I remember we talked about it a lot. I say "we." I mean the administrator and I talked about it. The vice chairman and I talked about it. Q. Is that something that's still under review? A. Yes. Q. Was was there ever a response to this letter from the attorney general?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	these people. BY MR. CROSBY: Q. And to to help shield them from Jim Beckert's A. Yes. Q harassing behavior? A. Yes. Q. And just just looking over time, his behavior over the last several years leading up to this decision to restrict his access, it had been what you were hearing had been pretty much the same, the way he was harassing and bullying different people? A. Yes, but as time went on yes, yes. Q. As time went on, did it escalate? A. I was about to say that as time went on there were more and more people involved in those conversations. Q. And his behavior had been pervasive throughout that time and even getting worse? MR. ANDERSON: Object to the form. THE WITNESS: That's an opinion.
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ALICIA HOLLAND vs BEAUFORT COUNTY 9:20-cv-03479-DCN-MHC - ERIC GREENWAY

70 - 73Page 71

Page 70 1 be adequate or suitable or whatever. I don't 2 want to make that a blanket statement, but my 3 knowledge of the interaction with County 4 Administration employees both now and in the past has always been that he is a difficult individual to work with in carrying out the 6 county's business. 7 8 Q And that was regardless of gender, race, religion, or anything like that? 9 A He is difficult to everyone. 10 Q You made reference to Heidi Lane's 11 12 Grievance? 13 A Heidi Lane? Q You were asked a question about it? 14 Yeah, Heidi Lane filed a Grievance. I 15 16 don't know who it was against. I was never told 17 17 that. 18 Q So you did not know it was against 18 19 Alicia Holland? 19 20 20 A I did not. 21 That Grievance was against Alicia 21 22 22 Holland? 23 Q I believe so. 23 24 A Alicia Holland wasn't even here when 24

1 Q Then I will double-check that. 2 A Yeah, I am not sure why it would have

3 been against Alicia Holland. I am not saying it 4 wasn't. 5

Q Okay.

A Okay. But I don't know why it would 6 have been. I wasn't ever -- when I received the 7 Grievance I filed it over to, as I would be

accustomed to do, filed it over to my HR department and to the Legal Department and asked

them to look into it and give me their opinion 12

about what we needed to do with it.

13 I don't know who it was against. I 14 don't think she ever said who it was against in the communications that I received based on what 15 I recall. 16

Q All right.

So basically you do not know?

A I don't know. I do not know, right.

Q And the task that you raised about rerunning tax rolls, were there any other elected officials involved in that process?

A What do you mean by involved in the process?

Were they involved in running the tax

Page 72

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rolls, or were they involved in assisting with things related to the rerunning of the tax roll?

Q The way that -- did any of them have any involvement?

25 the Grievance was filed that I am talking about.

A It seemed to me that there were things that many employees had to do, including the Treasurer as a result of having to rerun those tax rolls, yes.

Q All right. Can you ban a County 9 Council member from the building? 10

A Can I ban a County Council member from 12 a building?

Q Yes, from this building?

So that gets into a legal question.

And the only reason I know this is --16 or I have some familiarity with this is due to 17 my work with the mask mandates. I don't think 18 under state law and based on what I have been 19 told by the Sheriff of this County that we have 20 the right to ban anyone from a public building 21 or declare them to be in a trespass situation.

Most recently I had a homeless person 23 camping out outside the Council Chambers here on

24 picnic table. We had to adopt an ordinance for 25 me to be able to prevent that in the future,

Page 73 because there was no way for me to remove that 1

person legally from the property without 2

adopting that ordinance banning camping on 3 4

public property.

Q So you are unable to ban anyone from the administration building?

MS. AVANT: Object to the form. 7 THE WITNESS: So again, I could 8 9 tell someone that they can't come into the building as County Administrator. 10

I don't know how enforceable that would 11

be if they challenged it. That would 12 be something for the legal system to 13

weigh in on and make a determination 14 15

on.

16 BY MR. J.J. ANDERSON:

Q So the County Council's status as 17 elected officials would not weigh in on your 18

evaluation as to whether or not you can ban them 19 20 from the administrative building?

21 A Well, so I don't think as -- you know,

so the County Council is a little different 22 23 situation I think, and you are asking me

24 something here that, you know, I feel like is

trying to catch me into something.



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ALICIA HOLLAND vs BEAUFORT COUNTY 9:20-cv-03479-DCN-MHC - ERIC GREENWAY

74–77 Page 75

	Page 74		Page 75
1	Banning a legislative official from a	1	A Okay.
2	County building, I don't know that I as the	2	Q And just the bottom line is: "I would
3	County Administrator would have that authority.	3	like to receive an apology from Miss Holland in
4	That would seem to me that it could be something	4	writing. This apology should be provided to the
5	that the County Council would have to vote on,	5	same individual who received her original
6	because that would be a they regulate	6	Email."
7	themselves.	7	A When was that? What was date on that
8	I don't have any ability to regulate	8	Grievance?
9	County Council in my mind as County	9	Q I don't have a date on it. I have got
10	Administrator. I work for them. They hire me.	10	a Bates Number on it.
11	So I don't think I could tell them what they	11	MR. JOHN ANDERSON: I think the
12	could or could not do.	12	date of the incident is in the first
13	I am charged with the responsibility of	13	paragraph.
14	managing County properties and facilities, and	14	BY MR. J.J. ANDERSON:
15	that is why I continued the policy that was in	15	Q It is in reference to an Email sent by
16	place when I took over as County Administrator,	16	Alicia Holland on May 14, 2019.
17	regardless of how I might have felt about such	17	A Okay, I wouldn't have been I
18	policies personally.	18	wouldn't have been County Administrator at that
19	Q All right, thank you. I think that is	19	point.
20	all the questions I have.	20	Q Okay.
21	MR. BUYCK: I have no questions.	21	REDIRECT EXAMINATION
22	MS. AVANT: Then I am good.	22	BY MS. AVANT:
23	BY MR. J.J. ANDERSON:	23	Q When did you receive the Grievance from
24	Q I have been given the Grievance, the	24	Heidi Lane.
25	written Grievance of Heidi Lane.	25	A I don't remember the date.
	Page 76		Page 77
1	Q Was it during your time as County	1	my own without talking to other folks that need

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Administrator I am assuming?
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      A Yes.
4
      Q Was it in the last six months?
      A It could have been. I don't know.
5
      Q Is it possible Miss Heidi Lane filed an
6
7
   additional Grievance?
8
      A It is possible.
        Would you have received one from --
9
         MS. AVANT: When was that? 2019?
10
11
      2018?
         MR. J.J. ANDERSON: 2019?
12
13 BY MS. AVANT:
      Q Would you have received a Grievance in
14
15 2019?
      A I could have if she filed it again. I
16
17
```

mean I don't know. Again, I don't know the details of the Grievance. I just know it was within my time as County Administrator because I filed -- I would do what I would do and that was to get my HR

23 it immediately. I administrate by collaboration and 24

through team work. I very seldom do anything on 25

department and my Legal Department involved in

my own without talking to other folks that need to be involved in advising me on how the appropriate way to do that. I have done that constantly with issues involving Mr. Beckert. I 5 have cause. 6

I very seldom respond to Mr. Beckert on my own without having discussed something that has sent to me to ask me to do or directed me to do or whatever. I do not respond unless I have discussions with the appropriate people that know more details about those matters than I do. MS. AVANT: I don't have anything

else for you.

CROSS-EXAMINATION

15 BY MR. BUYCK:

Q I have a couple quick questions in follow-up in regards to Miss Holland.

Was she employed with Beaufort County when you became acting, interim or the permanent **County Administrator?**

Have you ever held any position or supervisory position over Miss Holland in any way?

A I have not.



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Deposition of:

Suzanne D. Gregory

April 7, 2021

In the Matter of:

Holland, Aliciav. Beaufort County et al

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Page 18 Page 20 Q. And -- and just off the top of your personnel files of those involved? head, do -- can you give me some examples of the 2 A. No, not to my knowledge. 2 type of training that Beaufort County wanted its 3 Q. What is your understanding of the 3 4 employees to receive? And I understand some of it computer acceptable use policy? 4 5 may be job-specific. I'm --A. As -- as I can remember it, it was not 5 to be used for personal use, to view any obscene A. Right. 6 6 7 Q. I'm looking more for -- for something 7 material. It was a lengthy policy. That's the two that every employee should have to take. 8 things I can remember right off. 8 9 A. There was harassment training, sexual 9 Q. Okay. And I apologize for not 10 harassment training, diversity training, e-mail mentioning this first. I believe a version of this 10 usage training, and I believe there was one other policy begins on Page 58 --11 11 12 that cannot recall right now. 12 A. Okay. 13 Q. And would elected officials also have 13 O. -- if you want to flip to that. 14 to participate in this training? 14 Is it your understanding that all network systems, computers, e-mail addresses, 15 A. We -- it's my understanding that we 15 issued cell phones, phone systems, letterhead all 16 cannot require them to participate. 16 Q. When an employee's hired to the county, 17 belong to Beaufort County? 17 a new employee, what happens from the time they're 18 18 A. Yes. 19 Q. And on Page 59, there is a heading that 19 hired until they start performing their job duties? Do they go through some training and orientation, says: Scope. What's your understanding of the 20 20 for example, something like that? 21 21 scope of this policy? 22 A. At the time I left there, there was an 22 A. Well, pretty much as its written here, 23 orientation -- new hire orientation where they 23 to -- to ensure that it's used for business filled out all the necessary paperwork, they were 24 purposes and to protect the county and employees. 24 provided any benefits that they cared to sign up Q. And -- and under Scope it lists out a 25 Page 21 Page 19 for, signed off on any policy statements that we 1 couple of examples of -- of different types of people that fall into -- into the scope of this 2 required. And then they were sent forth to their 2 departments for departmental training. 3 3 policy. And these different, you know, Q. And how would Beaufort County ensure categorizations of people. Is it your 4 4 that -- that all the things you just mentioned were 5 5 understanding that, you know, essentially anyone who is given access to county e-mail, county 6 completed when a new hire came in? 6 7 A. All of the things that I just mentioned 7 computer systems, county network systems, a county were completed in the human resources training 8 phone, and letterhead would be under the 8 room. And there was a checklist of all the items 9 9 responsibility to abide by this policy? 10 that had to be done. 10 A. Yes. 11 Q. Okay. And that's kind of what I was O. Is it also your understanding that this 11 getting at. There -- there is a way to document 12 policy applies to any activity that -- that would that item A was completed, item B was completed, 13 be in violation of sexual harassment or a hostile 13 item C was completed, correct? 14 14 work environment? 15 15 A. Yes. Q. So walk me through what happens when an O. And that would also include anything 16 16 employee comes in and wants to -- to make a 17 like slander or -- or distributing deliberate 17 18 complaint to you. misinformation? 18 19 A. As I recall, when an employee comes in 19 A. Yes. with an issue, I discuss it with them. If it's a 20 20 Q. As director of human resources, were complaint regarding another employee or something 21 21 you responsible for training provided to county I -- I get the information from the employee, I ask

6 (Pages 18 - 21)

them to write a statement. And within that

statement, I also ask them to list any witnesses to

whatever it is that they are complaining about.

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employees?

A. The department was responsible for some

of the training that county employees received,

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yes.

	Page 38		Page 40
1	abide by the handbook provided by Beaufort County?	1	A. With elected
2	A. It's my understanding once he became an	2	MR. BUYCK: Note my objection.
3	elected official, I had no authority to force him	3	THE WITNESS: With elected officials,
4	to abide by the handbook.	4	yes.
5	Q. And where did that understanding come	5	BY MS. AVANT:
6	from? Did someone tell you you didn't have	6	Q. Okay. And why is that?
7	authority over an elected official?	7	A. Because I have no authority over
8	A. I don't know if that was told to me	8	elected officials.
9	directly. But there were a lot of conversations	9	Q. Has
10	about and Mr. Beckert forwarded a lot of	10	A. They're not county employees.
11	information about the authority of an elected	11	Q. Has county administration told you you
12	official. And because he was not a county	12	have no authority?
13	employee, as the HR director, I would not have	13	A. I don't remember if they directly told
14	authority over him, just like I would not have	14	me that, but that is my understanding.
15	authority over a vendor that walked in. If there	15	Q. Was one of those instances with Jim
16	was something going on with a vendor, I would let	16	Beckert when he was forwarding statutes to you?
17	administration know.	17	Was him sending you, as I believe you just
18	Q. Which department enforces the Computer	18	mentioned, him forwarding you a statute letting you
19	and Information Systems Acceptable Use Policy?	19	know that you had no authority over him, was that
20	A. If if an employee violated that	20	one of those instances?
21	policy and it was brought to the attention of the	21	A. I cannot recall for sure. I believe he
22	HR department, we would work with the department	22	had forwarded something to that effect before.
23	head, as I recall, to decide what to do with that	23	Yes.
24	employee and and take necessary disciplinary	24	Q. And do you recall what you did once you
25	action.	25	received that information from Mr. Beckert?
	Page 39		Page 41
1	Q. Okay. And whenever we talked about	1	A. I believe any confrontational e-mails I
2	that policy earlier, the scope in that policy	2	got from Mr. Beckert I forwarded either to the
3	didn't limit it to employees	3	deputy county administrator or the county
4	A. Uh-huh.	4	administrator.
5	Q that scope would apply to, as you	5	Q. Did you ever inform anyone in county
6	testified earlier, anyone that was given county	6	administration about the comments that were made to
7	e-mail, county computer, county network systems,	7	you about Mr. Beckert?
8	county-issued phone system, which would include an	8	A. I cannot recall for certain, but I
9	elected official, correct?	9	believe I would have.
10	MR. J. ANDERSON: Object to the form.	10	Q. You believe you would have?
11	BY MS. AVANT:	11	A. I believe so, yes.
12	Q. You can still answer.	12	Q. Is it your understanding that that
13	A. I I believe it would, yes.	13	county administration and county counsel were aware
14	Q. So would HR enforce the Computer and	14	of numerous complaints by females of Beaufort
15	Information Systems Acceptable Use Policy if an	15	County against Mr. Beckert?
16	elected official violated it?	16	MR. BUYCK: Note my objection.
17	A. No.	17	MR. J. ANDERSON: Object to form.
18	Q. So an elected official is not expected	18	THE WITNESS: I don't know if it was
19	to abide by the Computer and Information Systems	19	just females. I don't recall that. But I believe
20	Acceptable Use Policy?	20	they were aware of complaints regarding
21	A. No. If I was made aware of a	21	Mr. Beckert.
22	violation, I would make administration aware.	22	MS. AVANT: I'm going to walk around
23	Q. And so you rely on county	23	and distribute Exhibit Number 4.

(PLF. EXHIBIT 4, The Island Packet

25 Article Dated 8/19/20, was marked for

25 up with an elected official?

24 administration to enforce any policies to be taken

In the Matter of:

ALICIA HOLLAND

VS.

BEAUFORT COUNTY, ET AL

Thomas J. Keaveny, II

September 27, 2021



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P.O. Box 1296 Mt. Pleasant, SC 29465 843-849-0133 Spectrumaaa@gmail.com

Thomas J. Keaveny, II - 9/27/2021

	Page 17		Page 18
1	official, sign onto the handbook?	1	By electronic communication to the county
2	A I don't know that I ever saw his	2	administrator, you voluntarily adopted this policy.
3	signature, but it's my understanding that he did,	3	A There you go.
4	yes. I say I don't know. I don't recall seeing	4	Q So would that be confirmatory?
5	it, but I might have. But I think all the elected	5	A Yeah, yes, sir.
6	officials decided to go that way, although I don't	6	
		1	7
7	know about the legislative delegation. I see	7	attempting to require an employee to give 30 days
8	Representative Erickson's name is on here, and I	8	notice
9	really don't know what became of that.	9	A Right.
10	Q I'll pass you Exhibit Number 19.	10	Q - of her leaving the county's
11	(Exhibit 19, 3/28/17 Email to	11	employment?
12	Keaveny from Gruber, was marked for	12	A Right.
13	identification.)	13	Q And Mr. Gruber is pointing to Mr. Beckert
14	BY MR. CROSBY:	14	that he's not allowed to do that?
15	Q And I just wanted to point to the -	15	A Uh-huh.
16	maybe that third paragraph, Tom. Looks like an	16	Q That's a yes?
17	email from you to Josh Gruber. I guess you're	17	A Yes.
18	addressing Jim Beckert there?	18	Q And Maria Walls, likewise, signed the
19	A It looks like it's from Josh Gruber to	19	agreement to be bound by the Beaufort County
20	me, even though it then says Jim. So I think I	20	employee handbook?
21	remember this situation, but let's make sure.	21	A I don't know that I ever saw her
22	Yeah, I think this is right. Hold on a second. Do	22	signature, but by virtue of things that have gone
23	you want me to are you going to ask me	23	on with Maria and her employees, I have to believe
24	Q No. I was just if we look at that	24	that she agreed to be bound by it.
25	third paragraph Mr. Gruber writes there, it says:	25	Q In order to accept the to get the
	Page 19		Page 20
1	Page 19 services from the county, there would have to be	1	Page 20 regulations that are in there, sure, grievance
1 2	_	1 2	
	services from the county, there would have to be		regulations that are in there, sure, grievance
2	services from the county, there would have to be that agreement in place?	2	regulations that are in there, sure, grievance procedures, for instance.
2 3	services from the county, there would have to be that agreement in place? A And I understand she's her employees	2 3	regulations that are in there, sure, grievance procedures, for instance. Q To follow the anti-harassment policies?
2 3 4	services from the county, there would have to be that agreement in place? A And I understand she's her employees have been receiving those services, so I assume that she signed the document. Q And once the elected official signs that,	2 3 4	regulations that are in there, sure, grievance procedures, for instance. Q To follow the anti-harassment policies? A Yes, sir. Q Going back to the office space, tell me what is the that interplay with regard to office
2 3 4 5	services from the county, there would have to be that agreement in place? A And I understand she's her employees have been receiving those services, so I assume that she signed the document.	2 3 4 5	regulations that are in there, sure, grievance procedures, for instance. Q To follow the anti-harassment policies? A Yes, sir. Q Going back to the office space, tell me
2 3 4 5 6	services from the county, there would have to be that agreement in place? A And I understand she's her employees have been receiving those services, so I assume that she signed the document. Q And once the elected official signs that, the memorandum, the agreement to be bound by the employee handbook and have their personnel, their	2 3 4 5 6	regulations that are in there, sure, grievance procedures, for instance. Q To follow the anti-harassment policies? A Yes, sir. Q Going back to the office space, tell me what is the that interplay with regard to office space between the county and elected officials. A So it's been a long time since I've
2 3 4 5 6 7	services from the county, there would have to be that agreement in place? A And I understand she's her employees have been receiving those services, so I assume that she signed the document. Q And once the elected official signs that, the memorandum, the agreement to be bound by the employee handbook and have their personnel, their employees abide by the handbook, the county, as is	2 3 4 5 6 7 8	regulations that are in there, sure, grievance procedures, for instance. Q To follow the anti-harassment policies? A Yes, sir. Q Going back to the office space, tell me what is the that interplay with regard to office space between the county and elected officials. A So it's been a long time since I've looked at the statute that applied, but the state
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5 (Pages 17 to 20)



Deposition of: Gary T. Kubic

April 7, 2021

In the Matter of:

Holland, Aliciav. Beaufort County et al

Veritext Legal Solutions

April 7, 2021

Page 58

- 1 Mr. Beckert let them know.
- Q. Did he ever express his displeasure to 2
- 3 you?
- 4 A. Oh, yeah.
- 5 Q. That was certainly within your
- 6 authority to take that action, I assume?
- A. Yes. I think there is a -- I'm not
- 8 sure if there is a statute or there is a policy.
- 9 Maybe it's a council policy. But county
- 10 administrators are responsible for the -- all
- 11 buildings of the county, includes maintenance. The
- 12 only caveat would be overall security, which I
- 13 coordinated with the sheriff's office.
- Q. Have you got Exhibit Number 1? Can you
- 15 pass him a copy there?
- 16 A. Give me three minutes so I can read
- 17 this document.
- 18 Q. Just take a second. You probably
- 19 helped write it, so...
- 20 A. I'm familiar with it.
- O. And that's the county handbook that was 21
- 22 adopted -- that version looks like August of 2016?
- 23 A. Yes. Resolution 2016/11.
- 24 Q. And I believe that in addition to
- 25 county employees, that the employees of the

- Page 60
- 1 would be created by having all elected officials
- 2 consent to the rules and regulations of a personnel
- 3 handbook, which then offered a level of expertise
- 4 for HR in terms of consistent management or
- 5 application for vacation, sick leave, whatever the
- 6 provision or idea would be.
- Q. Was the adoption by the elected offices
- 8 of this -- of Exhibit 1, the manual, a part of
- 9 the -- I guess the bargain with the county for --
- 10 to receive HR services and that type of thing?
 - A. Yeah. There was a -- sort of a mutual
- 12 understanding that the HR department was under the
- 13 control of the county administrator; however, to
- 14 assist in advertising a position or to assist in
- 15 management or to assist in producing documents on
- 16 behalf of the employee W-2, the actual paychecks,
- 17 how to do electronic deposit, all those things were
- 18 a result of a mutual understanding of how to 19 process.
- 20 It didn't necessarily mean that I could
- 21 tell any elected official who to hire. That was up
- 22 to them. But the process of how to manage and what
- 23 was expected of both sides, that was the purpose of
- 24 the handbook: Consistency.
- 25 Q. And consistency on that side, and then

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- 1 auditor's and treasurer's office signed off on that
- 2 document?
- 3 A. I believe all elected officials of the
- 4 county signed off on this document.
- 5 Q. Including council members?
- A. Well, council doesn't hire employees.
- 7 I'm not sure if they did. But all the other
- 8 elected divisions, including I think the
- 9 magistrates, the courts, any other unit that had
- 10 separately had the capability by statute to hire
- 11 their own employees.
- 12 O. And what was it --
- 13 A. All the hiring of employees for county
- 14 council was done through me. That's why I don't --
- 15 I don't know if county --
- 16 O. What's the rationale on -- on having
- 17 the other elected officials and their employees
- 18 sign off and adopt this policy?
- 19 A. The recommendation and -- came from our
- 20 outside counsel, I believe, was Attorney Edwards.
- 21 The idea of having a personnel handbook was so that
- 22 the employee and the employer, whether it would be
- 23 county administration, auditor, or treasurer, that
- 24 the expectations and actions of each party would be
- 25 defined in writing, and that the uniform standard

- Page 61 1 there was a centralized -- the elected offices got
- 2 the benefit of using the county's HR services like
- 3 you say for W-2s and --
- 4 A. Right. Producing a paycheck.
- 5 MR. J. ANDERSON: Object to the form.
 - MR. BUYCK: Note my objection, too.
- 7 THE WITNESS: What was your question
- 8 again?

6

- 9 BY MR. CROSBY:
- Q. There was two sides to it. You had 10
- 11 consistency and policy over here, but also the
- 12 benefit to the elected offices would be consistency
- 13 and the provision of the HR services?
- 14 A. Yeah. There are certain requirements
- 15 that are involved when you hire an employee. One
- 16 is simply recordkeeping, timekeeping,
- 17 hospitalization, how to produce a paycheck. All of
- 18 those things were products of the HR department
- 19 under my administration as county administrator.
- 20 So the idea was instead of having all the elected
- 21 officials having their own HR department, their own
- 22 check writing, their own hospitalization, for
- 23 purposes of efficiency and movement, it -- it was 24 under the HR.
- 25 This, also, handbook was not just for

16 (Pages 58 - 61)

April 7, 2021

	Holland, Aliciav. B	eau	fort County et al
	Page 62		Page 64
100	elected officials, it's also for the new hires to	1	fellow human being.
2	understand what their responsibilities are to the	2	And then it says: The county does not
3	taxpayer of Beaufort County.	3	tolerate harassment of any kind and strictly
4	Q. Right. This is the exact same handbook	4	forbids retaliation against anyone who has reported
5	that your staff would sign?	5	harassment in good faith.
6	A. Yes.	6	A. Yes. That's what it says.
7	Q. And it sets forth the expectations with	7	Q. And basically it's what we've talked
8	regard to the how you expect county employees	8	about earlier, your efforts that we've talked about
9	and those that sign off on this to act in the	9	to protect your staff and your employees from some
10	workplace? It has	10	of Mr. Beckert's conduct were in effort to provide
11	MR. J. ANDERSON: Objection.	11	the working anti harassment-free environment to
12	MR. BUYCK: Note my objection.	12	your employees?
13	BY MR. CROSBY:	13	A. That's correct. That's just sound
14	Q certain certain forbidden	14	sound management.
15	or behaviors that are set forth in this?	15	Q. Because what what Mr. Beckert's
16	MR. BUYCK: Same objection.	16	conduct, as you observed, would rose to the
17	MR. J. ANDERSON: Me too.	17	level of what one would describe as harassment
18	THE WITNESS: It it's a it's a	18	within this definition?
19	personnel handbook that offers the elected official	19	MR. J. ANDERSON: Objection.
20	the hiring authority and the employee hired by the	20	THE WITNESS: Are you asking me whether
21	hiring authority to know in writing what the	21	or not Mr. Beckert violated this provision as
22	expectations would be for each side. And so for	22	written in the employee handbook?
23	clarity, and also I think to protect the county	23	BY MR. CROSBY:
24	overall from random or haphazard claims by	24	Q. That's another way of saying it.
25	employees against the county, if they did not	25	A. I would have to say I agree with that
	Page 63		Page 65
1	follow the handbook, then they have no real	1	assessment.
2	position to argue.	2	Q. And what you did to the best of your
3	BY MR. CROSBY:	3	ability was try to protect the county's employees
4	Q. And	4	from that type of environment?
5	A. So, if they violated procedure, we had	5	A. Yes.
	the ability to process them through the conditions	6	Q. And you actually tried to in some
7	and the grievance procedures defined in this book.		respects to to help protect Maria Walls from
8	Q. And one of the purposes of the some	8	that conduct by putting up the cameras and taking
	of the language in the handbook is to provide a	9	the concerns to county council?
	good working environment by prohibiting such things		A. Yes.
- 1	as sexual harassment?	11	MR. J. ANDERSON: Objection.
12	A. Yes.		BY MR. CROSBY:
13	Q. That's something that was strictly	13	Q. Go over to page let me let me ask
1	forbidden by the county?		something before this. There is always this issue
15	A. Appropriate behavior.		1
16	Q. If we look at Page 6 at Paragraph 1.3,		is that no one could do anything about him because
	it has an anti-harassment policy set forth there.		he was an elected official. That was and you
18	A. Page 6, 1.3, yes.		and I have talked about that, that you didn't have
19	Q. And in the second sentence, it says:		
	In addition to county endeavors to provide a		correct?
1.	working environment in which employees are free	21	A. Yes. Q. The office of the auditor and the
	from discomfort or pressure resulting from jokes,	22	treasurer are in county-owned property?
	ridicule, slurs, gossip, threats, bullying,	24	A. Beg your pardon?
24	harassment whether relating to such distinctions or	24	A. Deg your pardon?

Q. The offices of both the treasurer and

25

25 simply resulting from a lack of consideration for a

Holland, Aliciav. Beaufort County et al Page 66 Page 68 1 the auditor are located in county-owned property? 1 or sick as a regular employee. There is a separate A. Yes. 2 category for elected officials in my opinion. I 3 Q. And I take it the county provides a 3 don't know whether it's defined by statute. But he 4 budget for their offices? 4 is not considered a regular employee for this A. County council does the appropriation 5 personnel handbook. 6 for each of the units. 6 BY MR. CROSBY: Q. Was there ever any discussion while you 7 Q. He signed a copy, didn't he? 8 were employed with the county about separating the A. He signed -- all the elected officials 9 offices or moving Jim Beckert's office to another 9 sign these copies to accept the handbook as a tool 10 location? 10 for new hires in terms of defining the A. Well, we had discussions because we 11 11 relationships between the hiring authority and the 12 were locating satellite offices and had satellite 12 employee. 13 offices for both the auditor, treasurer, and other 13 Q. Do you have any understanding as -- as 14 functions on Hilton Head. We remodeled one stop 14 to whether Mr. Beckert currently is allowed in the 15 for the Bluffton South of the Broad office. But I 15 county building? 16 did not engage -- I did not suggest moving 16 A. Well, I don't have any direct 17 Mr. Beckert out of his main office as a result 17 knowledge, but I have received a few phone calls 18 of -- of these matters. 18 that he has been moved to another location. 19 Q. Page 8, Paragraph 1.6. Q. And -- and I guess that's what I was 20 A. Page 8. Okay. What paragraph? 20 getting at. I mean, council apparently took that 21 Q. 1.6. 21 step and made that decision currently, and that 22 A. All right. 22 was -- all this was just directed as whether or not 23 Q. And this -- point you to that second 23 that had ever come up in your tenure about moving 24 sentence there where it says: Non-employees may be 24 him? 25 25 reported to appropriate law enforcement, which you A. No. Not to remove him from his office Page 69 1 did that, and I believe Mr. -- Ms. Walls may have 1 location. Q. And the county owns the building and 2 done that over time. And it says that and/or 3 barred from the premises. 3 controls the building, correct? Do you have -- and what you're telling 4 A. Yes. Q. And presumedly since they've done it 5 me is that never was a discussion between you and 6 now, had council wanted to take that action when 6 council to your recollection as to whether 7 Mr. Beckert could be moved and barred from the you first brought these complaints to their 8 premises over in Ribaut Road? attention, they could have done so? 9 A. Well, two things: One, this particular MR. BUYCK: Note my objection. 10 paragraph I would question as to whether it applies 10 MR. J. ANDERSON: Objection. 11 11 to an elected official or not. And in that sense, MR. BUYCK: In a matter of law. 12 to answer your question directly, I did not have 12 THE WITNESS: Well, I suppose they 13 any discussions regarding removal of Mr. Beckert 13 could have. I don't know if it was offered as a 14 from any of his offices to someplace else as a 14 solution. 15 result of these discussions we're having here. 15 BY MR. CROSBY: Q. Well, it has two categories of people, 16 Q. That -- it would be council that would 17 either employees or non-employees? 17 have to make that decision, correct? It wouldn't 18 A. Right. 18 be --

19 Q. And Mr. Beckert, what you told me, is

20 not an employee?

21 MR. J. ANDERSON: Objection.

22 THE WITNESS: In my interpretation,

23 Mr. Beckert is an elected official and not an

24 employee in the sense that he's required to work a

25 40-hour week, that he's required to accrue vacation

- 19 A. It's not me.
- 20 Q. You wouldn't have that power?
- 21 A. Huh-uh. Maybe the governor.
- 22 Q. And with regard to the employees, there
- 23 is certain rules set out in here about conduct and
- 24 a lot of other stuff, but how employees are to
- 25 conduct themselves as county employees. And there



Deposition of: **D. Paul Sommerville**

April 8, 2021

In the Matter of:

Holland, Aliciav. Beaufort County et al

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Page 24 Page 22 Q. Was that something that she complained A. I can't -- I don't know what the 1 to you about on multiple occasions? 2 2 sequence was. 3 A. Yes. O. Other than that, do you recall any 3 action that was discussed with regard to Jim 4 Q. Was the -- the complaint typically the 4 same, that Beckert was harassing her? 5 Beckert's conduct toward --5 6 A. Well, a lot of her complaints had to do A. Yes, I heard some conversations about 6 7 with his -- because she was the chief financial going to the governor, but they were -- they were 7 officer and responsible for the finance of the --8 8 secondhand conversations and so... 9 of the County, she -- a lot of her complaints, 9 O. That was something that was discussed 10 certainly not all of them, but a lot of them had to in executive session or just something that was 10 do with his job performance. But yes, she also 11 talked with outside of? 11 complained about his harassment. 12 A. No, I don't recall it being discussed 12 13 O. Did she -in executive session, but I do recall it being 13 14 A. To me. 14 discussed between myself and Josh Gruber, Gary Q. -- complain to you that he was causing 15 15 Kubic. her discomfort and stress? 16 O. With regard to the County administrator 16 A. I'm struggling to answer that question 17 17 having the power or control over access to the because I'm not sure if -- if my conversation with buildings, whatever that timing was, was there any 18 18 19 her was privileged, so... vote on that or was it just a discussion that she 19 Q. I don't -- I don't know how it would 20 20 actually, the County administrator, possessed that 21 be, but as her attorney, it's okay to tell me. 21 power? A. My recollection is that in executive 22 A. Okay. No, I think there were other 22 23 things that frustrated her as well, but yes, Jim session, Ashley Jacobs proposed that idea. There 23 24 Beckert was certainly one of them. was never a vote, to my knowledge, and as a -- as I 24 25 Q. Did she relay to you that she was 25 recall, she proposed it as something within her Page 25 Page 23 stressed about whether that Jim was causing her authority to do. It didn't require a vote. 1 2 stress in -- in doing her job? O. The -- the County does have control 2 3 over the County property, correct? 3 O. Let me give you a couple of documents 4 A. Absolutely. 4 5 and I'll let him take a break so you can look at 5 O. So that's basically what she was 6 suggesting is, as in her role as the highest them. 6 7 MR. CROSBY: What exhibit numbers are 7 ranking County employee, she had the authority to 8 these? 8 make that -- take that type of action? 9 MS AVANT: (Inaudible.) MR. BUYCK: Note my objection. 9 10 THE WITNESS: Take a break, like make a THE WITNESS: Correct. 10 call? Or take a break, like wait for them? BY MR. CROSBY: 11 11 12 MR. BUYCK: You can make a call. 12 Q. There was no vote taken that night 13 MR. CROSBY: Let's just go off the to -- or in that meeting to give her special power? 13 A. No, I only -- I only wish that I had 14 14 record. 15 THE VIDEOGRAPHER: We are going off thought of it. I only wish Gary Kubic had thought 15 record. The time is 2:42 p.m. of it. As far as I know, Gary Kubic didn't think 16 17 (A Recess transpired.) of it, Josh Gruber didn't think of it, and I didn't 17 18 (EXHIBIT 14, Letter, 3-6-18, was marked think of it, so, but somebody did at some point and 18 19 for identification.) 19 I think it -- so... 20 (EXHIBIT 15, E-Mail, 5-21-19, was 20 Q. Do you re- -- did you have more than 21 marked for identification.) 21 one conversation with Alicia Holland --22 (EXHIBIT 16, E-Mail, 8-7-20, was marked 22 Q. -- about Beckert's behavior towards 23 for identification.) 23 24 (EXHIBIT 17, E-Mail, 8-19-20, was 24 her?

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marked for identification.)

A. Yes.

25

Ex. 3

Beaufort County Adopts Testimony:
Topic 18: Each Action Considered by the County in
Response to Allegations Concerning Beckert's Conduct,
Including the Specific Action Considered, the Date of
Each Consideration and the Identity of the Person(s)
Involved in Each Consideration



Deposition of: **Robert Bechtold**

April 8, 2021

In the Matter of:

Holland, Aliciav. Beaufort County et al

Veritext Legal Solutions

Robert Bechtold Holland, Aliciav. Beaufort County et al

April 8, 2021

2 Q. And who was that? 2 A. I believe	Page 12
2 Q. And who was that? 2 A. I believe	11 1
	ecall what month it was in?
2 A That was an Harris 1 dank harris 2 11- 11- 11- 11- 11-	it was in the Fall. I mean,
3 A. That was our I'm sorry, I don't know 3 really, I believe it	was sometime in the Fall.
4 why I'm drawing a blank right now. If I could just 4 Q. When you	u met with Ash I mean, with
5 have a second. That was our assessor. 5 Jim Beckert about	t moving his office, tell me about
6 Q. Ebony Sanders? 6 any conversations	you had with him, other than him
7 A. Ebony Sanders. 7 asking you to do it	t outside of operational hours.
8 Q. What did you learn about Ebony Sanders' 8 A. I mean, it	t it was insignificant, so
9 issues with Jim Beckert? 9 I mean, nothing sp	pecific. That was the only
	de that that stuck out to me
	e over there to coordinate that
12 against it against him. I don't know how it was 12 with him and so	
	he ask you why he was being
14 certain. I read it in something and before, and 14 asked to move?	
	I mean, I have no idea. This
	partments in my daily activities,
	it's possible for me to retain
18 but I didn't know prior to that. 18 that, so I don't spe	•
	eem to object to having to move
20 investigating the complaint filed by Ebony Sanders? 20 offices?	, J
	n fact, I mean, ultimately,
	t remember. I mean, again, I
	the context of the conversation.
	cute something, you know, a
	went, communicated what I needed
Page 11	Page 13
	o him, let him know where it was
	equested that I do it after
Q. At some point in time you were involved 3 hours, so I facilitat	-
	s that's all I'm asking.
5 office? 5 You only know wi	_
6 A. I was. 6 A. Right.	,
	n't know it until you answer
8 A. I Ashley, I believe it was verbally 8 the question.	•
9 or otherwise, she asked me to find a place for him 9 A. Uh-huh.	
	you know, feel offended by
11 don't know if it was my decision or hers 11 me.	
	ot at all. I'm trying to
13 records management. And I went over to see 13 recollect things that	
14 Mr. Beckert and let him know that we found an 14 frustrating.	
	ople have good memories and some
16 requested that if it were done, if he could have it 16 people don't.	
	at you're telling me is that
	move him, Mr. Beckert did not put
	position, his only request was to
20 management building to the ultimate location. 20 do it after hours?	
	nean, that was his request.
	omplied with the move?
Q. It was sometime before Ashley Jacobs 23 A. He did.	
	netime later I believe you
	point of contact for Mr. Beckert?

4 (Pages 10 - 13)

Robert Bechtold Holland, Aliciav. Beaufort County et al

	Tionand, Iniciav. D	1	
	Page 14		Page 16
1	A. I did.	1	don't know if it was Ashley or Eric when he
2	Q. Tell me about that.	2	arrived. I just knew that the frequency was
3	A. Mr. Greenway and I had a discussion	3	greater because he had relieved Mr. Cadd. So
4	about him I mean, I got an additional directive	4	Q. Prior to Mr. Cadd being relieved, did
5	and that directive was to aid Mr. Beckert by being	5	you escort Mr. Beckert into building during that
6	a being the throughput for communications to the	6	time?
7	staff, if that makes sense.	7	A. No.O. So this started sometime in 2021?
8	Q. You became the the conduit for any	8	
9	communications with	9	A. Yes.
10	A. Yes.	10	Q. And what I'm trying to get at is, was
11	Q the County employees?	11	it your understanding that between Ms. Jacobs and council the decision had been made to move
12	A. Yes.	13	Mr. Beckert's office?
13	Q. Because Mr. Greenway had told you that	14	A. Yes.
14	he didn't want Mr. Beckert to have any direct	15	Q. Do you know who made the decision to
15	contact with the County employees?	16	allow Mr. Beckert to be able to return to the
16 17	MR. ANDERSON: Object to the form. You can still answer.	17	auditor's office off of Ribaut Road?
	BY MR. CROSBY:	18	A. Do I know who specifically, no, I
18	Q. Correct?	19	don't.
20	A. Yes.	20	Q. Did you have any conversations with
21	Q. So whatever contact, would that have	21	anyone about any change in the policy of having
22	been after David Cadd left the County's employment?	22	Mr. Beckert refrain from entering that building?
23	A. Yes.	23	A. No. I mean, again, I think that the
24	Q. And at some point in time you became	24	I'm uncertain of where it started, but I know that
25	involved in allow escorting Mr. Beckert into,	25	it was reaffirmed sometime later because it was
-			
1	Page 15 back into the building where his office formerly	1	Page 17 shifted whoever, their responsibility was
2	was?	2	shifted to me, so that's when I got the ground
3	A. Yes.	3	rules and ground work of what that looked like.
4	Q. Tell me about that.	4	Q. Of what looked like?
5	A. There was some communication to	5	A. Of of me having to escort him into
6	Mr. Beckert and a request that he provided a	6	the building and, I mean, that.
7	24-hour notice when he needed to come up there and	1	Q. Well, I guess that's what I'm trying to
8	so I had coordinated that with Mr. Beckert. And so	8	get at. Did you have any discussions with
9	he would call me, sometimes on the weekend,	9	Mr. Greenway that there had been some change in
10	sometimes on a Monday to kind of give me a genera	110	policy whereby Mr. Beckert, after Mr. Cadd's
11	idea of what his plans were for the week. And then	11	departure, could now return to the building?
12	when he arrived at the building, he would contact	12	A. I'm sure I had discussions. I mean,
13	me via phone or text and he would walk around the	13	nothing remarkable. It was the same standing, as I
14	front of the building, I would move through the	14	understood it, the same standing notice and he
15	building and let him in the door adjacent to the	15	needed to be escorted into the building. I knew of
16	auditor's office.	16	that prior to and so the discussions were about, I
17	Q. And who gave the authority for	17	mean, the frequency was all.
18	Mr. Beckert to have access to the building?	18	Q. Well, prior to Mr. Cadd's leaving, you
19	A. Who gave the authority?	19	told me that he wasn't entering the building?
20	Q. Correct.	20	A. No, I wasn't responsible for that. I'm
21	A. I'm not certain if that was Ash it	21	not certain who was. But I know that after
22	was the same standing as I understood it from	22	Mr. Cadd's departure that was the task that I'd
23	before. So I don't know, but the notice to come up	23	received.
24	there, I don't know where that came from, but I	24	Q. Do you know whether Mr. Beckert was
25	mean, ultimately, I wasn't surprised by it so I	25	entering the building prior to Mr. Cadd's

In the Matter of:

ALICIA HOLLAND

VS.

BEAUFORT COUNTY, ET AL

Thomas J. Keaveny, II

September 27, 2021



www.spectrumcourtreporting.com

P.O. Box 1296 Mt. Pleasant, SC 29465 843-849-0133 Spectrumaaa@gmail.com

Thomas J. Keaveny, II - 9/27/2021

Page 62 Page 61 1 an answer this month, earlier this month. 1 I can try to -- try to remember some of it. But 2 2 Q Was there ever any consideration of there were several things on the second lawsuit to 3 filing a similar-type lawsuit against Mr. Beckert 3 make him -- to ask the court to require him to do. with regard to his behavior toward county employees One is to maintain an abatement book of taxes that 4 4 5 or Ms. Walls? 5 are abated, and that's necessary so that bond MR. ANDERSON: Objection. 6 6 rating agencies and others know what property --7 THE WITNESS: I don't remember having any 7 what property that could generate tax revenue is 8 conversations about -- with county council or 8 not generating tax revenue due to agreements 9 9 pursuant to state statute. So that's the abatement with the administrator about county government 10 taking an action, a lawsuit against 10 book. There was an issue with him getting 11 11 Mr. Beckert, no. 12 BY MR. CROSBY: involved in determination or adjudications about 12 13 13 the applicability of 4 percent versus 6 percent Q Subject to the questions about the 14 grievances, I'm going to pass you to Mr. Anderson 14 assessment ratios on property, which falls within 15 and see if he has any questions. 15 the purview solely of Ebony Sanders and the Board 16 of Adjustments and Appeals, so to have him stay out 16 MR ANDERSON: I can't hear you. My 17 of that, because he intervened in one case and 17 apologies. 18 adjudicated himself when he shouldn't have done it. 18 MR. CROSBY: Do you have any questions? 19 And there are a couple of other things 19 I was going to pass the witness. that we've asked the court to require him to do. I 20 20 MR. ANDERSON: Yeah, I do, but can I get 21 five minutes? Unless --21 just can't remember off the top of my head. Q And that one hasn't resulted in an order 22 22 MR. CROSBY: No. Go ahead. 23 MR, ANDERSON: Mind if I have five 23 yet? 24 A It has not. There have been no orders 24 minutes? 25 issued in that case. I think his lawyer just filed 25 MR. CROSBY: Sure. Page 64 Page 63 relating to the duties between the auditor and the 1 1 MR. ANDERSON: Thank you. 2 2 THE VIDEOGRAPHER: Off the record at treasurer be resolved by the Beaufort County 3 3 attorney. 11:49. 4 Now, that's a lot of passive writing in 4 (A recess transpired.) 5 there. I'm wondering who instructed the DOR? 5 THE VIDEOGRAPHER: On the record at 6 A Yeah. So I can't answer that question, 6 11:53. 7 7 **EXAMINATION** but I can tell you that when I received it -- I 8 have worked with Amelia a lot with regard to 8 BY MR. ANDERSON: 9 Q Good morning, Mr. Keaveny. Mr. Beckert and the issues between the treasurer 9 10 and the auditor since July of 2015, a lot, and I 10 Good morning. 11 kind of read that as Mr. Cleland having 11 We've met before. My name is Jon 12 instructed their -- Mr. Cleland, who's a deputy 12 Anderson, and I represent Jim Beckert both as the 13 auditor and himself personally. 13 director, having instructed Amelia and Sandy's 14 office to refer things to us. 14 I have a few questions. I'm going to 15 want to get to -- some of them are follow-up to the 15 Because, see, Amelia and Sandy, they work questions you just received. I'd like to direct in a -- I can't remember what their division is, 16 16 17 17 but they're kind of like a training arm of DOR, and you to 24, to Exhibit 24, and that is the email --18 18 they provide training and they provide assistance it says at the top: Holland, Alicia, but it 19 to the treasurer and the auditor with regard to the 19 starts -- it's a three-page, Holland 299 to 301. 20 20 tax process. A Yeah. 21 21 Q Okay. I'm not sure the one you have has Q Let me ask you this: I know right now you're deputy, but you've been the county attorney 22 22 a Bates stamp on it. 23 for Beaufort. Who is your client? 23 And who do you think that -- Amelia Furr Ruple, she sends an email and says: As you are 24 A You know, that's a -- who is the -- so 24 25 aware, we have been instructed that questions 25 that's an issue for CLEs, you know, who is your

16 (Pages 61 to 64)



Deposition of:

Gary T. Kubic

April 7, 2021

In the Matter of:

Holland, Aliciav. Beaufort County et al

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the auditor are located in county-owned property? A. Yes. Q. And I take it the county provides a budget for their offices? 5 A. County council does the appropriation of for each of the units. Q. Was there ever any discussion while you were employed with the county about separating the offices or moving him Beckert's office to another to location? 1 A. Well, we had discussions because we were averaged that the county about separating the offices or moving him Beckert's office to another to location? 1 A. Well, we had discussions because we were averaged to the broad office. But I did not name and the suggest moving from the Broad office. But I did not name and the suggest moving from the Broad office. But I did not name and the suggest moving from the Broad office. But I did not name and the suggest moving from the Broad office. But I did not name and the suggest moving from the Broad office. But I did not name and the suggest moving from the Broad office. But I did not name and the suggest moving from the Broad office. But I did not name and the suggest moving from the Broad office. But I did not name and the suggest moving from the Broad office. But I did not name and the suggest moving from the Broad office. But I did not name and the suggest moving from the Broad office. But I did not name and the suggest moving from the Broad office. But I did not name and the suggest moving from the Broad office. But I did not name and the suggest moving from the Broad office. But I did not name and the suggest moving from the Broad office. But I did not name and the suggest moving from the Broad office. But I did not name and the suggest moving from the Broad office. But I did not name and the suggest moving from the Broad office. But I did not name and the suggest moving from the Broad office. But I did not name and the suggest moving from the Broad office. But I did not name and the suggest moving from the Broad office. But I did not name and the suggest moving from the Broad office. But I did not name and the sug		Tionand, Anciav. Bo	_	
2 A. Yes. 3 Q. And I take it the county provides a 4 budget for their offices? 5 A. County council does the appropriation 6 for each of the units. 7 Q. Was there ever any discussion while you 8 were employed with the county about separating the 9 offices or moving Jim Beckert's office to another 10 location? 11 A. Well, we had discussions because we 12 were locating satellite offices and had satellite 13 offices for both the auditor, treasurer, and other 14 functions on Hilton Head. We remodeled one stop 15 for the Blufflon South of the Broad office. But I 16 did not engage — I did not suggest moving 17 Mr. Beckert out of his main office as a result 18 of — of these matters. 19 Q. Page 8, Paragraph 1.6. 20 A. Page 8. Okay. What paragraph? 21 Q. 1.6. 22 A. All right. 23 Q. And this — point you to that second 24 sentence there where it says: Non-employees may be reported to appropriate law enforcement, which you 25 tendent over time. And it says that and/or 26 barred from the premises. 4 Do you have — and what you're telling 27 me is that never was a discussion between you and council to your recollection as to whether 28 me is that never was a discussion between you and 6 council to your recollection as to whether 29 m. R. Beckert could be moved and barred from the 8 premises over in Ribaut Road? 29 A. Well, two things: One, this particular paragraph I would question as to whether it applies 21 to an elected official or not. And in that sense, 12 to answer your question directly, I did not have any the prematical way to the premises. 4 Do you have — and what you're telling 5 me is that never was a discussion between you and 6 council to your recollection as to whether it applies 21 me is that never was a discussion between you and 6 council to your recollection as to whether it applies 22 Q. And the county owns the building and 2 council to a selected official or not. And in that sense, 12 to answer your question directly, I did not have 2 question directly, I did not have 2 question directly, I did not have 2 q				
3 O. And I take it the county provides a 4 budget for their offices? 5 A. County council does the appropriation 6 for each of the units. 7 O. Was there ever any discussion while you 8 were employed with the county about separating the 9 offices or moving Jim Beckert's office to another 10 location? 11 A. Well, we had discussions because we 12 were locating satellite offices and had satellite 13 offices for both the auditor, treasurer, and other 14 functions on Hilton Head. We remodeled one stop 15 for the Buffon South of the Broad office. But I 16 did not engage — I did not suggest moving 17 Mr. Beckert out of his main office as a result 18 of— of these matters. 19 Q. Page 8, Paragraph 1.6. 20 A. Page 8. Okay. What paragraph? 21 Q. 1.6. 22 A. All right. 23 Q. And this — point you to that second 24 sentence there where it says: Non-employees may be 25 reported to appropriate law enforcement, which you 25 more than the ver was a discussion between you and 6 council to your recollection as to whether 7 Mr. Beckert could be moved and barred from the 8 premises over in Ribaut Road? 9 A. Well, the two whether it applies 11 to an elected official or not. And in that sense, 12 to answer your question directly, I did not have 13 paragraph I would question as to whether 14 from any of his offices to someplace else as a 15 result of these discussions we're having here. 14 Q. And Mr. Beckert could be moved and barred from the 15 permises over in Ribaut Road? 16 Q. And Presumedly since they've done it 17 now, had council wanted to take that action when 18 with the second state that he county owns the building, correct? 1 did that, and I believe Mr. — Ms. Walls may have 2 done that over time. And it says that and/or 3 barred from the premises. 19 Q. Page 8, Paragraph I.6. 10 Q. Vall, thas two categories of people, 11 of the county owns the building, correct? 1 did that, and I believe Mr. — Ms. Walls may have 2 done that over time. And it says that and/or 3 barred from the premises. 1 or an appropriate law enforcement, which	1			
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1	obviously he was elected and he was you know, I	1	recommendations. So I thought that was odd.	
1	guess, met the age criteria and residency. I'm	2		
	talking about more of his actual financial	_	asked for references on the application. And I	
1	qualifications.		think it was I think the application was for a	
l .	A. Well, I don't know exactly the		magistrate position. It might have been for a	
5			lifeguard. I'm not sure.	
	circumstances, but there circumstances arose	7		
1	where I asked HR to provide me because I didn't	1		
	know that I'd hired Mr. Beckert as a lifeguard, and		haven't been able to find out anything either.	
l .	I didn't know that Mr. Beckert was fired from the		They have no records, so don't feel bad about that.	
	magistrate's office.	10		
11	So I checked his application, and quite		letter? Did Gary write the letter?	
	frankly, I thought it was insufficient, no	12	No. He would have been gone.	
	references of prior employment except for his wife.		BY MR. CROSBY:	
	He listed Beaufort Memorial, but I couldn't get any	14	5	
	information, and then I saw the letter coming out		your employment with the county about this	
	of the magistrate's office which basically said he		whether or not there was an ability to change the	
17	failed in performing his clerk's duties, and they		form of government to have an elected treasurer and	
18	dismissed him.	18	a one either the treasurer or the auditor,	
19	So going back to my earlier comment in	19	one elected and one not?	
20	the middle of this deposition, if you meet the	20	A. Yes.	
21	requirements to run for office and you get elected,	21	Q. Tell me about that.	
22	it does not mean that you have management	22	A. Well, during my tenure, the previous	
23	experience, that you have intuitive abilities to	23	county treasurer, Joy Logan, I started	
	conduct the operation of any office, it just means	24	investigating discrepancies in her office in	
25	that you got one more vote than the guy who's	25	collection. And I determined that she fired an	
	Page 79		Page 81	
1	running against you. And so if the voters	1	employee for I believe for theft and then	
	determine you're qualified, I guess you're		rehired her. And I'm not sure if it was during	
	qualified.		Alicia's tenure or David Starkey, the previous CFO,	
4	Q. Notwithstanding that he had been		where I asked for a forensic audit, and we hired an	
	dismissed from employment with the county, he later		outside firm out of Atlanta. And I can't	
	became auditor?		remember KP KPG maybe and it was	
7			determined that there were \$250,000 stolen from the	
′	Q. What was his position with Beaufort		county under Joy Logan.	
0	Memorial?	9		
10			council take a serious look as to whether or not	
	involved at the from memory, I'd have to look at		the processes between the auditor and treasurer	
	the application. Maybe I think it was human		necessitated to be two separate offices. And the	
	**		reason for that was that I thought it would be	
	resources or something of that sort.		better to have it under the control of the county	
14				
	his employment there?	15		
16	•	16		
	and, you know, Beaufort Memorial, they're the top	17	1	
	employers of the county: School district, Beaufort		these discrepancies between the two departments,	
	County government, grocery stores, and hospitals, I		Mr. Beckert and and Maria Walls, I resurrected	
	mean, there is not too much so we said, well,		the idea, and I think several councilmen also	
21		21		
	work experience?		government, merge those two departments into one.	
23	We called we contacted the hospital,	23		
	and they said they have no record of his	24	1 0	
25	employment. They couldn't provide any	25	and paper: A billing, a collection, and it was	

21 (Pages 78 - 81)

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Page 82
                                                                                                        Page 84
1 recorded that way. In today's modern world with
                                                         1 Councilman Flewelling -- and I believe he had
                                                         2 mentioned that. And I think Councilman Howard
2 technology, it's so easy to have the controls in
                                                         3 mentioned that she was a neighbor, lived close to
3 place to do it with one system instead of two.
                                                         4 Mr. Beckert. Those two come to mind readily.
          Several councilmen felt that that would
                                                                   I'm not sure about anybody else. I'm
5 not be approved by -- the merger would be approved
                                                         6 running -- I'm trying to run through who the other
 6 by the electorate, which was necessary, but it was
                                                           councilmen were.
7 discussed in -- in depth at the time. And it arose
8 in several occasions with those two units of
                                                                   I think Sommerville was relatively
                                                         9 independent. Stewart was independent. It was just
9 government.
                                                        10 basically, I think, Councilman Flewelling, maybe
       Q. During your tenure, there was no action
                                                        11 Councilman Covert toward the end of my
11 taken on -- on that?
       A. I don't think we ever proposed it to be
                                                        12 administration.
12
                                                                Q. Would Councilman Flewelling in your
                                                        13
13 a consideration. I think -- I'll have to go
                                                        14 observations take Jim's side in some of these
14 back -- I don't believe -- was there a vote? I'm
                                                        15 disputes?
15 not sure. You can't help me, can you?
                                                                   MR. BUYCK: Note my objection.
                                                        16
       Q. He can't.
16
                                                                   MR. J. ANDERSON: Object to the form.
                                                        17
17
          MR. KEAVENY: I can't.
          THE WITNESS: I can't remember. Maybe
                                                        18
                                                                   THE WITNESS: You know, Councilman
18
                                                        19 Flewelling in my opinion is a very good elected
19 there -- was rejected by council. I can't -- I
                                                        20 official in the sense that he chooses his words
20 can't recall. I think there was also some concern
21 by council at the time that we had referendums on
                                                        21 very carefully. So I don't think he ever overtly
                                                        22 said you got to take Jim Beckert's side. I think
22 sales tax and other issues that they felt had --
                                                        23 he would be more -- expressed -- I think he
23 more pressing issues for the sales tax to go
                                                        24 expressed, hey, let's take another second look at
24 forward than changing the form of government. I
                                                        25 his concerns and see if there would be an ability
25 think they felt it was too difficult, didn't want
                                                                                                        Page 85
                                                Page 83
                                                         1 to incorporate either a portion or all of his
 1 to give me too much control.
                                                         2 objections into a process or procedure.
 2 BY MR. CROSBY:
                                                                  MR. CROSBY: Why don't we take just a
       Q. But it was your thought during that
                                                         4 few minutes break. I'm about -- probably about
 4 time that the -- those offices would be merged and
                                                         5 done. I need to take care of piece of personal --
 5 would -- there would become a county employee or
 6 would just those two offices merge and be --
                                                         6 or other legal business real quick.
                                                                   THE WITNESS: Okay. I got to get my
       A. I think the --
          MR. BUYCK: Note my objection.
                                                         8
                                                           dog out of the cage.
 8
                                                                   THE VIDEOGRAPHER: We are going off
 9 BY MR. CROSBY:
                                                        10 record. This is the end of media unit one. The
       Q. -- one -- one elected office.
10
                                                        11 time is 3:24 p.m.
          MR. J. ANDERSON: Same objection.
11
                                                                   (A recess transpired.)
12
          THE WITNESS: I think -- I think it
                                                        12
                                                        13
                                                                   THE VIDEOGRAPHER: We are back on
13 would go under the control of the county
14 administrator as a unit of government. And quite
                                                        14 record. This is the beginning of media unit two.
15 frankly today, I still agree that for efficiency
                                                        15 The time is 3:43 p.m.
                                                                   (PLF. EXHIBIT 8, E-mail Chain with the
16 purposes and accountability and ease of operation,
                                                        16
                                                        17 Top Line E-mail From Joshua Gruber Dated 5/21/14,
17 that's the way to go.
                                                        18 was marked for identification.)
18 BY MR. CROSBY:
                                                        19 BY MR. CROSBY:
19
        Q. Were there any particular members of
20 county council during your tenure that would --
                                                        20
                                                                Q. Mr. Kubic, you get the opportunity to
21 that were close to Jim Beckert, just based on your
                                                        21 look over --
                                                        22
                                                                A. Yes.
22 observations?
                                                        23
                                                                Q. -- Exhibit 8?
23
        A. Well, everyone knew that Jim Beckert
```

Do you have an independent recollection

25 of -- of that, the contents of Exhibit 8?

24

24 was the finance chairman for Brian Flewelling, and

25 even in certain sessions or committee meetings,

Holland, Aliciav. Beaufort County et al			
Page	e 90 Page 92		
A. Yes. Could I stop you for one second?	1 report, I would assume that your statement is		
2 Is it possible to	2 accurate. I don't know their total operation, but		
3 Q. Sure.	3 if they're state officials, then their		
4 A pull the curtain over, because when	4 responsibility would be to the state.		
5 I look at you, I'm I'm squinting	5 Q. Okay.		
6 Q. I understand.	6 A. They don't report necessarily to county		
7 A and I don't want my appearance on	7 councilmen.		
8 the videotape to	8 Q. Right. You talked about chain of		
9 Q. Would	9 command earlier. And under that chain of command,		
10 A affect this overall countenance	10 you as the county administrator report to council,		
11 Q. We both may need	11 correct?		
12 A of my view.	12 A. Yes.		
13 Q a little powder on our	Q. So how many council members are there?		
14 A. Yeah.	14 11?		
15 Q on our foreheads, but that's	15 A. 11.		
16 A. She's getting	16 Q. And the 11 council members are each		
17 Q okay.	17 themselves elected officials, correct?		
18 A clear anyway.	18 A. Yes.		
19 COURT REPORTER: Wait. One at a tim	ne. 19 Q. And each of those 11 elected officials		
20 THE WITNESS: That's a whole that's	20 come to council with differing opinions and		
21 a whole I I have little red dots, but go	21 differing politics and differing views and and		
22 ahead.	22 they try to reach a consensus when they go have		
Yes. It would have to go before the	23 meetings and votes and those type things, correct?		
24 the voters. It would be a referendum on changing	24 A. Yes.		
25 the form of government.	25 Q. But if we kind of thought of this as a		
Pag	e 91 Page 93		
1 BY MR. BUYCK:	1 flow chart that you often see of organizations,		
2 Q. And do you know whether there was a	2 county council's not over the auditor or treasurer,		
3 referendum in 2011 that failed?	3 are they?		
4 A. I can't remember.	4 A. No.		
5 Q. Do you know that that's the same	5 Q. They're all elected officials		
6 electorate that elected Ms. Walls and Mr. Beckert	6 essentially on the same line, correct?		
7 in 2014 and reelected them both in 2018?	7 A. Yes.		
8 A. Yes. It would be the same electorate,	8 Q. And if we had to go up the chain, we		
9 of course.	9 would probably put DOR or the department of revenue		
10 Q. Okay. But despite that electorate	10 above the auditor and the treasurer?		
11 being the ones who are the ones that elect for	11 A. Yes. If that's what the statute says,		
12 those offices, those offices themselves are state	12 yes. That'd be		
13 offices provided by the state constitution, are	13 Q. Okay.		
14 they not?	14 A correct. And then you'd have the		
15 A. Yes.	15 voters at the very top.		
16 Q. So really there is there is state	16 Q. The voters, because ultimately that's		
17 officials being elected officials within the	17 who everybody has to reply to, correct?		
18 county; is that correct? They report	18 A. Yes.		
19 A. Yes.	19 Q. In fact, the Supreme Court of South		
Q to the department of revenue?	20 Carolina has stated that the threat of displeasing		
21 A. Yes.	21 the electorate and losing reelection bids should be		
Q. So each of those entities themselves	22 sufficient check on the behavior of an elected		
23 report to the department of revenue, being the	23 official. Have you heard that verbiage before?		
24 treasurer's office and the auditor's office?	A. No, but that doesn't surprise me.		
to the second se			

24 (Pages 90 - 93)

Q. Have you ever read a case entitled

25

25

A. Not knowing what they're required to



Deposition of:

D. Paul Sommerville

April 8, 2021

In the Matter of:

Holland, Aliciav. Beaufort County et al

Veritext Legal Solutions

	Holland, Aliciav. Beaufort County et al				
	Page 10		Page 12		
1	treatment of his staff?	1	office, had installed cameras on the County		
2	A. He he complained we're not	2	administration building because of Jim Beckert's		
3	talking about his job performance now.	3	peering through Maria Walls' windows?		
4	Q. Right.	4	A. Yes.		
5	A. We're talking about treatment.	5	Q. When did you learn of that?		
6	Q. Right.	6	A. Well, let's see. Gary left in I'm		
7	A. Okay. Gary and I had Gary Gary	7	not going to try to pinpoint that date because I		
8	told me on several occasions that Jim Beckert	8	don't remember exactly when he left, but sometime		
9	was I don't want to misquote Gary and it's very	9	prior to Gary leaving he told me that he told me		
10	difficult to try to remember his exact words, but	10	he was installing cameras for that purpose. Among		
11	I'm trying. I'm going to have to paraphrase	11	others, there were other it wasn't the only		
	because I'm not sure of his exact words, that he	12	purpose, but it was a purpose.		
12	was harassing some employees.	13	Q. What you learned is that what prompted		
13		14	it was a complaint from Maria Walls about Jim		
14	Q. Did Gary inform you of any action that	15	Beckert peering through her window?		
15	he had taken to protect those employees?	16	A. Yes.		
16	A. Yes. Gary I was chairman during				
17	some of that oh, excuse me, I forgot to turn my	17	MR. ANDERSON: Object to the form. BY MR. CROSBY:		
18	phone off. I'm sorry. Oh, shoot. Sorry. I	18			
19	forgot to turn my phone off.	19	Q. Did did he relay to you that Jim		
20	MR. BUYCK: If you need to get that	20	Beckert would peer through his window as well?		
21	call you're welcome to.	21	A. On numerous occasions, yes.		
22	THE WITNESS: What's that?	22	Q. In your time on County Council, was the		
23	MR. BUYCK: If you need to get that	23	issue of Jim Beckert's behavior toward employees		
24	call	24	and/or Maria Walls ever discussed as an agenda item		
25	THE WITNESS: No, no, no. I it's	25	or in an executive session item where there was		
	Page 11		Page 13		
1	I'll call them back.	1	some effort to determine if anything could be done		
2	Again, would you repeat the question?	2	to stop it?		
3	I'm sorry I was interrupted.	3	A. I don't recall.		
4	BY MR. CROSBY:	4	Q. Did Gary Kubic ever express to you any		
5	Q. I believe the question was did Gary	5	frustration about his inability to stop Jim		
6	ever tell you or did you learn of any actions that	6	Beckert's behavior?		
7	Gary had taken to protect any of the County	7	A. Yes.		
8	employees from Jim Beckert's harassment?	8	Q. And and tell me tell me what you		
9	A. Yes.	9	recall about that.		
10	Q. What what did you learn?	10	A. I can remember on several occasions		
11	A. He told me on numerous occasions that	11	Gary being extremely frustrated because he he		
12	he had gone to Beckert's office and talked to him	12	couldn't figure out how to solve that problem, the		
13	and brought Beckert into his office to talk to him	13	Beckert problem, in spite of his efforts.		
14	to try to prevent some of that behavior.	14	Q. I believe after Maria Walls filed her		
15	Q. Did you ever learn that he had blocked,	15	lawsuit, you were interviewed by the the paper		
16	basically limited Jim Beckert's access to his	16	and you indicated that you acknowledged the		
17	part part of the building?	17	complaints that had been received and indicated it		
18	MR. ANDERSON: Objection.	18	had been on an ongoing basis?		
19	THE WITNESS: I am not aware that Gary	19	A. (Indicating an affirmative response.)		
20	Kubic limited Beckert's access to any part of the	20	Q. Is that correct?		
21	building or I don't remember that that was	21	A. That's correct.		
22	discussed.	22	Q. And you're quoted in there as saying,		
23	BY MR. CROSBY:	23	"We concluded that because he's an elected official		
24	Q. What about, did you become aware that	24	there wasn't a whole lot we can do." And it says,		
25	Gary Kubic, in conjunction with the sheriff's	25	"I never felt comfortable with that because I just		
	,				

l kept thinking there has to be something we can do to help these poor people." Do you recall saying that? A. I do. Q. When you say we made the decision or we concluded that there wasn't much could be done was that council concluded or are you talking about County government? A. No, I'm really talking about Gary and myself because my conversations were not with the council stelf. We may have had individual conversations. I don't recall that we had a group Conversation, a council conserv—conversation. But I had many conversations with Gary about it and formation that time. Q. And as chairman you would have had a lot of direct communications with the County administrator? A. Daily. Q. Was there ever a — a legal opinion at that was issued where that was looked at to see if there was anything that could be done? A. You mean — I'm still not understandin question. Q. Well, would you agree that if there were actions that could have been done to prote from Jim Beckert's harassing behavior, that any available avenue should have been done? MR. ANDERSON: Object to the form. THE WITNESS: Oh, absolutely. Wou administrator? MR. ANDERSON: Object to the form. THE WITNESS: Oh, absolutely. Wou administrator? A. Daily. Q. Was there ever a — a legal opinion at that was issued where that was looked at to see if there was anything that could be done? A. You mean — I'm still not understandin question. Q. Well, would you agree that if there were actions that could have been done to prote from Jim Beckert's harassing behavior, that any available avenue should have been done? MR. ANDERSON: Object to the form. THE WITNESS: Oh, absolutely. Wou have been, certainly would have been by Gary Kub would have been pursued by me in my role. We have any likelihood of success. It was very for Jim Beckert's behavior? A. You mean — I'm still not understandin to prove wording the question. A. — exactly how you're wording the question. R. Manderson: Object to the form. THE WITNESS: Oh, absolutely. Wou have been, certainly would have	ive
2 to help these poor people." 3 Do you recall saying that? 4 A. J do. 5 Q. When you say we made the decision or we concluded that there wasn't much could be done was that council concluded or are you talking about County government? 9 A. No, I'm really talking about Gary and 10 myself because my conversations were not with the 11 council itself. We may have had individual 22 conversation. I don't recall that we had a group 13 conversation, a council conserver—conversation. 14 But I had many conversations with Gary about it and 15 so I guess the "we" I'm talking about really is 16 Gary and I. I think I was probably chairman at 17 that time. 18 Q. And as chairman you would have had a 19 lot of direct communications with the County 20 administrator? 21 A. Daily. 22 Q. Was there ever a — a legal opinion 23 that was issued where that was looked at to see if 24 there was anything that could have been pursued by Gary Kut 20 would have been pursued by Gary Kut 21 there was anything that could have been pursued by Gary Kut 22 mould have been pursued by Gary Kut 23 fusitating. 24 mere could come up with anything that seemen 25 Gary and attorneys or Gary and the governor's 3 office or Gary and whoever. I mean I had second— 2 Office or Gary and whoever. I mean I had second— 3 Office or Gary and whoever. I mean I had second— 3 Office or Gary and whoever. I mean I had second— 3 Office or Gary and whoever. I mean I had second— 4 One Here was anything that could have been done? 4 A. You mean — I'm still not understandin 4 deen done? A. You mean — I'm still not understandin 4 deen done? A. You mean — I'm still not understandin 4 deen done? A. You mean — I'm still not understandin 4 deen done? A. You mean — I'm still not understandin 4 deen done? A. You mean — I'm still not understandin 4 deen done? A. You mean — I'm still not understandin 4 deen done? A. You mean — I'm still not understandin 4 deen done? A. You mean — I'm still not understandin 4 deen done? A. You mean — I'm still not understandin 4 deen done? A. You	ive
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4 A. I do. 5 Q. When you say we made the decision or we concluded that there wasn't much could be done was that council concluded or are you talking about County government? 9 A. No, I'm really talking about Gary and myself because my conversations were not with the council itself. We may have had individual conversations. I don't recall that we had a group 3 government? 10 aconversation, a council conservence or conversation. 11 But I had many conversations with Gary about it and 15 so I guess the "we" I'm talking about really is Gary and I. I think I was probably chairman at that time. 10 Q. And as chairman you would have had a lot of direct communications with the County administrator? 11 A. Daily. 12 Q. Was there ever a — a legal opinion 2 that was issued where that was looked at to see if 24 there was anything that could be done? 11 Conversations that may have taken place between 2 Gary and attorneys or Gary and the governor's 3 office or Gary and whoever. I mean I had second— 4 administrator or department heads to protect for Jim Beckert's harassing behavior, that should heen done? A. You mean — I'm still not understandin 4 been done? A. You mean — I'm still not understandin 4 conversations that fere were actions that could have been done to prote from Jim Beckert's harassing behavior, that any available avenue should have been pursued? MR. ANDERSON: Object to the form. THE WITNESS: Oh, absolutely. Wou have been, certainly would have been pursued by Gary Kut would have been pursued by me in my role. We would have been pursued by me in my role. We would have been pursued by me in my role. We would have been pursued by me in my role. We would have been pursued by me in my role. We would have been pursued by me in my role. We would have been pursued by me in my role. We would have been pursued by me in my role. We would have been pursued by me in my role. We would have been pursued by me in my role. We would have been pursued by me in my role. We would have been pursued by me in my role. We would have	ive
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	-4 :4
4 I have secondnand information that those 4 was probably quite a few.	וו וו
5 conversations took place, but no firsthand 5 Q. Was that something that was a co	notant
6 information. 6 topic between you and Maria where she w 7 O. Did you ever see any anything in 7 up her concerns about Jim Beckert?	Juid Offin
8 writing that came to the conclusion that nothing 8 A. Yes. 9 could be done to stop Jim Beckert from harassing 9 Q. In your observations or in what sl	۵
10 employees and others on County property? 10 told you, did you learn as to whether she fi	
11 A. I don't recall seeing anything like 11 for her physical safety?	arcu
12 that. 12 A. I can't answer that. I don't know	he
13 Q. You certainly felt that or strike 13 answer to that.	
14 that. 14 Q. But what she would relay to you	vas
15 You certainly would have liked to have 15 that she was being harassed by Jim Becke	
16 been able to do something to protect these 16 MR. ANDERSON: Objection.	
17 employees from harassment? 17 THE WITNESS: Yes.	
18 A. Oh, my gosh, yes. Absolutely. 18 BY MR. CROSBY:	
19 Q. And if there would have been anything 19 Q. When	
20 within the power of the County administrator that 20 A. Excuse me, I just remembered I h	ave got
21 could have been done to protect them, that should 21 another phone to turn off. That's it. I protect them is a should 21 another phone to turn off.	
22 have been done, correct? 22 there are no more.	
23 MR. BUYCK: Note my objection. 23 Q. When sometime after Maria W	ılls
THE WITNESS: Would you repeat that, 24 filed her lawsuit against the County, did y	
25 please. 25 that Jim Beckert's access to the County	

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1	Administration Building had been restricted?	1	I just don't recall it. I think I have read every
2	A. Yes.	2	article involving Mr. Beckert that's been written.
3	Q. Tell me how you came to learn of that.	3	I may have missed one because I'm out of town quite
4	A. I believe that the then-County	4	a bit, but I usually catch up when I come back,
5	administrator told us that told the County	5	so
6	Council at an executive session. It wasn't it	6	Q. Were there any ever any discussions
7	was after Gary. This was Ashley Jacobs.	7	in executive session about Jim Beckert's treatment
8	Q. She told council that she had taken the	8	of County employees?
9	steps to restrict his access	9	A. Yes.
10	A. Correct.	10	Q. When when would that have occurred?
11	Q and prohibit prohibit him from	11	A. Sometime in the first half of 2020.
12	having any contact with County employees?	12	Q. And what was what what brought
13	A. Yeah, let me, if I may, clarify	13	that to be an item of executive session?
14	something I said a minute ago that we had no	14	A. Well, my impression was that
15	executive sessions to talk about Jim Beckert. That	15	Ms. Jacobs Ms. Jacobs was extremely frustrated
16	was under Gary Kubic. But I can't recall any, but	16	dealing with Jim Beckert, as was Gary Kubic, the
17	now we're moving forward to Ashley Jacobs and under	17	difference being that I had a lot more daily
18	Ashley Jacobs we did have, I don't remember, one or	18	communication with Gary Kubic than I had with
19	two, but we had at least one.	19	Ms. Jacobs simply because I wasn't the chairman
20	Q. Okay. Well, I was going to ask you	20	beginning in 2020.
21	about Ashley Jacobs. So did Ashley Jacobs ever	21	Q. What do you recall about
22	relay comp complaints about Jim Beckert's	22	A. Or or '19, for that matter.
23	harassment of County employees?	23	Q. What do you recall about the specifics
24	A. Yes.	24	that she was relaying to council about her
25	Q. What do you recall about your	25	frustrations with Jim Beckert?
	Page 19		Page 21
1	conversations with Ms. Jacobs?	1	A. I recall that her primary focus was
2	A. A lot of her complaints about Jim	2	getting the tax bills out and getting the
3	Beckert had to do with his job performance.	3	closing the books, getting the CAFR out and his
4	Q. Well, would I'm talking about	4	his role in those things, particularly the tax
5	specific to his harassment of County employees.	5	bills.
6	A. Right. I'm trying to recall if she	6	Q. Well, and what about specific to his
7	she very well may have, but I can't I can't	7	conduct toward County employees and others on
8	swear that that happened, that she did, that she	8	County property?
9	talked about his harassment. She very I'm sorry	9	A. It was discussed, but I can't remember
10	to say I just don't specifically remember. I had	10	the particulars of it.
11	so many conversations with so many people about his	11	Q. Was there any executive action
12	harassment, that I'm not sure if she was one.	12	discussed that that was proposed to be taken
13	I had conversations with her about Jim	13	with regard to Jim Beckert's conduct toward County
14	Beckert, but I'm not sure if harassment was part of	14	employees?
15	those con it may may well have been, but I'm	15	A. Yes. I don't know who came up with
16	not sure.	16	this idea. I may have known at the time, but I
17	Q. Did she ever relay to you that Jim	17	don't know now. Somebody came up with the idea
18	Beckert exhibited harassing behavior toward her?	18	that we could exclude him or, I'm sorry, that the
19	A. She never said that directly to me. I	19	administrator had control over the building, the
20	think I think I may have heard that secondhand,	20	County Office Building and, therefore, had the
21	but I'm not sure.	21	authority to exclude him from that building and
22	Q. Did did did you read in any	22	that was going to be the action taken and, in fact,
23	newspaper articles where she was quoted as that, as	23	that was the action taken.
24	having been harassed by Jim Beckert?	24	Q. Now, that was after the lawsuits were
25	A. If there was an article, I read it, but	25	filed?

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	Page 22		Page 24
1	A. I can't I don't know what the	1	Q. Was that something that she complained
2	sequence was.	2	to you about on multiple occasions?
3	Q. Other than that, do you recall any	3	A. Yes.
4	action that was discussed with regard to Jim	4	Q. Was the the complaint typically the
5	Beckert's conduct toward	5	same, that Beckert was harassing her?
6	A. Yes, I heard some conversations about	6	A. Well, a lot of her complaints had to do
7	going to the governor, but they were they were	7	with his because she was the chief financial
8	secondhand conversations and so	8	officer and responsible for the finance of the
	Q. That was something that was discussed	9	of the County, she a lot of her complaints,
9	in executive session or just something that was	10	certainly not all of them, but a lot of them had to
10	talked with outside of?	11	do with his job performance. But yes, she also
11		12	complained about his harassment.
12	A. No, I don't recall it being discussed		Q. Did she
13	in executive session, but I do recall it being	13	
14	discussed between myself and Josh Gruber, Gary	14	A. To me.
15	Kubic.	15	Q complain to you that he was causing
16	Q. With regard to the County administrator	16	her discomfort and stress?
17	having the power or control over access to the	17	A. I'm struggling to answer that question
18	buildings, whatever that timing was, was there any	18	because I'm not sure if if my conversation with
19	vote on that or was it just a discussion that she	19	her was privileged, so
20	actually, the County administrator, possessed that	20	Q. I don't I don't know how it would
21	power?	21	be, but as her attorney, it's okay to tell me.
22	A. My recollection is that in executive	22	A. Okay. No, I think there were other
23	session, Ashley Jacobs proposed that idea. There	23	things that frustrated her as well, but yes, Jim
24	was never a vote, to my knowledge, and as a as I	24	Beckert was certainly one of them.
25	recall, she proposed it as something within her	25	Q. Did she relay to you that she was
	Page 23		Page 25
1	authority to do. It didn't require a vote.	1	stressed about whether that Jim was causing her
2	Q. The the County does have control	2	stress in in doing her job?
3	over the County property, correct?	3	A. Yes.
4	A. Absolutely.	4	Q. Let me give you a couple of documents
5	Q. So that's basically what she was	5	and I'll let him take a break so you can look at
6	suggesting is, as in her role as the highest	6	them.
7	ranking County employee, she had the authority to	7	MR. CROSBY: What exhibit numbers are
8	make that take that type of action?	8	these?
	MR. BUYCK: Note my objection.	9	MS AVANT: (Inaudible.)
9	THE WITNESS: Correct.	10	THE WITNESS: Take a break, like make a
10		11	call? Or take a break, like wait for them?
11	BY MR. CROSBY:	12	MR. BUYCK: You can make a call.
12	Q. There was no vote taken that night	13	MR. CROSBY: Let's just go off the
13	to or in that meeting to give her special power?	1	
14	A. No, I only I only wish that I had	14	record.
15	thought of it. I only wish Gary Kubic had thought	15	THE VIDEOGRAPHER: We are going off
16	of it. As far as I know, Gary Kubic didn't think	16	record. The time is 2:42 p.m.
17	of it, Josh Gruber didn't think of it, and I didn't	17	(A Recess transpired.)
18	think of it, so, but somebody did at some point and	18	(EXHIBIT 14, Letter, 3-6-18, was marked
19	I think it so	19	for identification.)
20	Q. Do you re did you have more than	20	(EXHIBIT 15, E-Mail, 5-21-19, was
21	one conversation with Alicia Holland	21	marked for identification.)
22	A. Yes.	22	(EXHIBIT 16, E-Mail, 8-7-20, was marked
23	Q about Beckert's behavior towards	23	for identification.)
24	her?	24	(EXHIBIT 17, E-Mail, 8-19-20, was
25	A. Yes.	25	marked for identification.)
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D. Paul Sommerville Holland, Aliciav. Beaufort County et al

3 A. The only reason I'm reluctant to say 4 yes on that is because the complaints were 5 consistent for a long period of time and I it 6 would be really hard for me to graph it and say 3 others accessing 4 subjected to have 5 MR. A 6 THE W	t because both the employees and
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3 A. The only reason I'm reluctant to say 4 yes on that is because the complaints were 5 consistent for a long period of time and I it 6 would be really hard for me to graph it and say 3 others accessing 4 subjected to have 5 MR. A 6 THE W	
4 yes on that is because the complaints were 5 consistent for a long period of time and I it 6 would be really hard for me to graph it and say 6 THE W	
5 consistent for a long period of time and I it 5 MR. A 6 would be really hard for me to graph it and say 6 THE W	ng County property should not be
6 would be really hard for me to graph it and say 6 THE W	arassing, abusive behavior?
	NDERSON: Objection.
	VITNESS: Yes, and I felt powerless
7 they went up or they went down, but there were a 7 and it was an a	awful, awful feeling. I I
8 lot of complaints over a long period of time. 8 sympathized w	with them. I had many conversations
9 Q. You knew about these complaints. Were 9 with them. It	was very frustrating.
10 there others that that knew about them as well? 10 MR. C.	ROSBY: I'm going to take just a
11 A. I would be speculating, but I I 11 quick break an	nd we'll get finished up. Okay?
12 would certainly assume so. 12 THE W	VITNESS: Okay. Sure. Sure.
13 Q. Well, you had conversations with Gary 13 MR. C.	ROSBY: Go off the record?
	IDEOGRAPHER: We are going off
	me is 3:10 p.m.
	ef recess was taken.)
· · · · · · · · · · · · · · · · · · ·	IDEOGRAPHER: We are back on
18 A. I did. 18 record. The time	me is 3:15 p.m.
19 Q. You had conversations with Alicia 19 BY MR. CRO	
· ·	g the several years that you were
	plaints about Jim Beckert's behavior
	cussions with other members of
	nere ever a consideration of filing a
	demning Jim Beckert's behavior?
25 concerns to you? 25 A. At wh	
Page 35	Page 37
	at the council level.
	cil level. I may have heard it
	I don't recall that it ever got any
4 specifically? 4 traction.	
	was no motion or ever made
	adopting a resolution of
	of his behavior?
8 Q. How about any other members of council? 8 A. Forma	ally, no.
1	t discussed discussed
10 Q. Who else would you have had 10 informally?	
· · · · · · · · · · · · · · · · · · ·	y have been and I'm I'm not
·	have heard certain some
	cussing that possibility.
	d the was that something that
15 Cynthia Bensch about her frustrations with Jim 15 would have pa	_
•	UYCK: Note my objection.
17 A. No, I do not. That's not to say it 17 BY MR. CRO	
	on your experience?
	would be pure conjecture.
	never got to that that
21 behavior or is that another way to prevent 21 point?	6
22 protect the those on County property from his 22 A. No.	
1	to the discussion with Ashley
	ds like there was no forward action
· · · · · · · · · · · · · · · · · · ·	us like there was no lorward action



Deposition of: **D. Paul Sommerville**

April 8, 2021

In the Matter of:

Holland, Aliciav. Beaufort County et al

Veritext Legal Solutions

	Holland, Aliciav. Be	caui	of County & at
	Page 26		Page 28
1	THE VIDEOGRAPHER: We are back on	1	anyone else?
2	record. The time is 2:55 p.m.	2	A. I don't recall.
3	BY MR. CROSBY:	3	Q. It looks like Ashley Jacobs had sent it
4	Q. Mr. Sommerville, can you get the	4	to yourself and the other members of of council.
5	document that's marked as Exhibit 16?	5	A. That's what it appears to me. It
6	A. Yes.	6	appears that I received it and forwarded it to
7	Q. Is that an e-mail from Alicia Holland	7	Alicia.
8	to you?	8	Q. And where she indicates in that first
9	A. Yes.	9	line where she says that, "He," being Jim Beckert,
10	Q. Do you recall why she would have been	10	"has harassed and bullied Maria, myself," Maria and
11	forwarding you her resignation letter at this point	11	herself, you would agree that that's Jim
12	in time?	12	Beckert's conduct was, toward Maria Walls and
13	A. I'm sorry?	13	Alicia Holland, was would be considered as
14	Q. Do you recall why she would have	14	harassment and bullying in nature?
	been I think she had already left the County's	15	A. Well, I never witnessed any of this
15	•	16	firsthand, but this is the way Jim Beckert's
16	employment by this time. Do you know why she would have been forwarding you her resignation letter?	17	actions were characterized to me by Maria and
17		18	Alicia.
18	A. I don't recall specifically, no.	19	Q. All right. When they would talk to you
19	Q. Did y'all bump into each other or have	20	about it, they would relay it in those terms, that
20	a conversation whereby that came up and later she		he was a bully and that he was harassing them?
21	sent you this?	21	A. Yes.
22	A. I recall have well, I had numerous	22	
23	conversations with her since she left. I recall	23	Q. Did you ever witness Jim Beckert
24	one conversation that had to do with her	24	exhibit that type of behavior to anyone?
25	resignation and I think I remember saying, "I have	25	A. The only thing I recall seeing him do
	Page 27		Page 29
1	never seen your resignation" so that may have	1	was he had a phone that he liked to carry out where
2	triggered it.	2	everybody could see it. At least that was my
3	Q. And she later forwarded that to you	3	impression. Maybe some people carry their phone
4	with her comments about her decision to leave?	4	anyway, maybe some people just walk around with it.
5	A. Yes, yes.	5	But I guess it was Maria or Alicia who said that
6	Q. And then Exhibit No. 17 looks like a	6	that he was recording them and as a as a method
7	reply to an e-mail received from you to Alicia	7	of harassing them.
8	Holland. Is that where she wrote back and said	8	Q. And you you had witnessed that
9	that, "Jim Beckert is a sick and dangerous	9	yourself?
10	individual. He has harassed and bullied Maria,	10	A. Well, I witnessed him witnessed him
11	myself, and Ebony that I am aware of. There may be	11	with a phone in his hand, but I don't know. I
12	others I'm not aware of. Jim is the primary reason	12	can't say what he was doing with it. I mean, I
13	I left my employment with Beaufort County."	13	Q. It appeared to you that he could have
14	Did you forward to Alicia Holland a	14	been recording?
15	copy of the lawsuit that was filed by Maria Walls?	15	A. He certainly could have been.
16	A. I may have. I don't I don't	16	MR. ANDERSON: Object to the form.
17	specifically recall. I I'm trying to think if I	17	BY MR. CROSBY:
18	had it. I'm pretty sure I had it.	18	Q. When he would walk around with it, he
19	Q. I mean, it has at the top of it, the	19	would have the camera side pointing out?
20	subject line in in that e-mail, the next e-mail	20	A. I don't recall.
21	down is from you to Alicia Holland and the subject	21	Q. On Exhibit 15, it references hiring an
22	is "Maria Walls versus Beaufort County."	22	outside firm to help determine if the millage had
23	A. I don't doubt that I did. I just don't	23	been calculated correctly. Do you recall that?
24	specifically recall it.	24	A. Yes.
25	Q. Do you know if you forwarded it to	25	Q. And that the cost was going to be
23	Q. Do you know it you for waited it to		2. The the too too was bond to se

Ex. 3

Beaufort County Adopts Testimony:
Topic 13: The Role of County Council Over the Auditor's
Office and/or Responsibilities



Deposition of: **Suzanne D. Gregory**

April 7, 2021

In the Matter of:

Holland, Aliciav. Beaufort County et al

Veritext Legal Solutions

April 7, 2021

	Holland, Aliciav. B	eaui	fort County et al
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1	him in that transitional period. What were the	1	in, but I I would I would think so, yes.
2	circumstances behind you meeting him during that	2	Q. Do you recall if you were the the
3	period?	3	member of the HR department to sit down and go over
4	A. I don't recall exactly, but I believe	4	these documents with Mr. Beckert?
5	it was just a somewhat of a meet-and-greet and	5	A. I was not. We we have someone or
6	give him the general information about human	6	a few people that that did the new hire
7	resources and and answer questions for him, as I	7	orientation, and I was not one of those.
8	recall.	8	Q. Okay. And Exhibit Number 3 right in
9	Q. And the general information about human	9	front of you is that orientation checklist we
10	resources, would that have been providing him with	10	talked about earlier. It appears from from
11	a copy of this handbook?	11	Exhibit 3 that Mr. Beckert signed this orientation
12	A. I don't recall.	12	checklist on the same date that he signed this
13	Q. Do you recall if he was provided a copy	13	Computer Information Systems Acceptable Use Policy;
14	of the Computer and Information Systems Acceptable	14	is that correct?
15	Use Policy?	15	A. Yes.
16	A. I don't recall.	16	Q. So based off this excuse me
17	Q. I want to bring around what's being	17	orientation checklist and the fact that it's signed
	marked as Exhibit 2 and 3.	18	by Mr. Beckert, does that indicate to you that he
18	(PLF. EXHIBIT 2, Computer Information	19	has been through orientation with Beaufort County?
20	Systems Acceptable Use Policy, was marked for	20	A. Yes.
21	identification.)	21	Q. And is this the same orientation
22	(PLF. EXHIBIT 3, Orientation Checklist,	22	checklist that's used for county employees?
23	was marked for identification.)	23	A. Yes.
24	MR. J. ANDERSON: Thank you.	24	Q. And underneath the the received
25	MR. BUYCK: Thank you. Here you go,	25	section of that orientation checklist, there is a
23		-	
	Page 27		Page 29
1	Ms. Jacob [sic]. Take your time and look through		section for personnel policies and procedures
2	those.	3	manual. And that is checked, correct? A. Yes.
3	BY MS. AVANT:	4	
4	Q. Have you had a chance to review both		Q. Which would indicate that he has
5	documents?	5	received the personnel policies and procedures of
6	A. Yes.	6	Beaufort County?
7	Q. Exhibit 2 right there in front of you	7 8	A. Yes.
8	is the Computer Information Systems Acceptable Use		Q. And you testified earlier that those
9	Policy we spoke about a little earlier.	9	procedures and policies were authorized and
10	A. Uh-huh.	10	approved by county administration? A. Yes.
11	Q. We spoke about it earlier, it was in	12	
12	the in the handbook that was provided to		Q. Going back to your experience with Mr. Beckert, you indicated earlier that there were
13	employees. Based on and I understand you	13	several instances that led to that that tense
14	haven't been there for a few years, but is it your	14	
15	understanding that this policy in Exhibit 2 is	15 16	relationship between you and Mr. Beckert? A. Yes.
16	essentially the same as what is in the handbook?	17	Q. Do you recall any of those instances
17	A. Yes.	18	specifically?
18	Q. And on the very last page of that	19	A. Not specifically. I I recall one in
19	policy, I believe it's Page 8, it looks like	20	which he wanted I don't recall what it was he
20	Mr. Beckert has signed this policy in March of	21	wanted to do, but he wanted to do something with
21	2015. Is that your understanding?	22	one of his employees as far as I believe it was
22	A. That's what it yes. Yes.	23	a disciplinary action or something that that was
23	Q. And would that have been during his transition period?	24	contradictory to and I don't either
24	A. I don't recall the date of his swearing	25	employment law or our policy. And there was a
25	A. I don't recan me date of ms swearing	20	omprognicite taw of our policy. This there was a

Suzanne D. Gregory Holland, Aliciav. Beaufort County et al

April 7, 2021

	Holland, Aliciav. Be	eauf	fort County et al
	Page 30		Page 32
1	MR. BUYCK: I apologize.	1	Q. Did you document the complaint by
2	THE WITNESS: there was some back	2	Ms. Holland?
3	and forth about that instance.	3	A. I don't recall.
4	BY MS. AVANT:	4	Q. Did you document the complaint from
5	Q. Did you ever receive any complaints	5	Maria Walls?
6	about Mr. Beckert?	6	A. I don't believe that was in the form of
7	A. Yes.	7	a complaint. There again, I think that was just a
8	Q. Do you recall from who?	8	conversation discussing his his demeanor.
9	A. A number of people, at least in general	9	Q. Do you remember the the conversation
10	conversation.	10	between you and Ebony Sanders about Mr. Beckert?
11	Q. Do you recall any names?	11	A. I don't.
12	A. Oh. Well, certainly I know Alicia	12	Q. What about between you and Katherine
13	Holland was one, Melissa Beere in my office was	13	Mead?
14	one, Monica Spells, Maria Walls, Ebony Sanders, I	14	A. Not specifically, no.
15	believe Katherine Mead.	15	Q. Did you document the conversation
16	Q. I'm sorry. Can you repeat that last	16	between you and Ebony Sanders?
17	name?	17	A. I don't recall. I don't believe so.
18	A. Yeah, Katherine Mead. Those are the	18	Q. Did you document the conversation
19	names I remember right off.	19	between you and Katherine Mead?
1		20	A. No.
20	Q. And are all the names you just mentioned women?	21	Q. So what needs to be done for a
21	A. Yes.	22	conversation between you and an employee of
22		23	Beaufort County where another member of Beaufort
23	Q. Do you remember what Melissa you	24	County is mentioned in a negative way, a negative
24	said Beere?	25	interaction like these ladies have had? What would
25	A. Beere.	23	
	Page 31		Page 33
1	Q. Beere. And is that B-E-A-R-Y?	1	need to happen for you to document that? Would
2	A. B-E-E-R-E.	2	they have to use the word I want to file a
3	Q. B-E-E-R-E. All right. Do you remember	3	complaint?
4	what her complaint about Mr. Beckert was about?	4	A. No. But if if Mr. Beckert
5	A. Not specifically. It was a general	5	comes up in general conversation when we're talking
6	conversation she had with him and had to do with	6	about three or four things and it's just a comment
7	rudeness.	7	about him being rude on a phone call, that that
8	Q. Do you remember what Monica Spells's	8	wouldn't be documented.
9	complaint was about?	9	Q. Were each and every one of these
10	A. Not specifically. And it wasn't a	10	conversations just a comment within another
11	single conversation. She I believe she had	11	conversation?
12	mentioned several times where she had less than	12	A. As far as I can recall, yes.
13	pleasant conversations with him.	13	Q. And after hearing two or three of these
14	Q. So Monica Spells had approached you	14	comments from two or three of these ladies, did you
15	multiple times about Mr. Beckert?	15	feel the need to document his behavior, seeing as
16	A. She didn't approach me about that, but	16	it was happening to multiple women?
17	Monica and I had a lot of conversations, and he	17	A. His behavior was I don't believe it
18	had he had been mentioned several times in some	18	was specific to women, the rudeness that was mostly
19	of our conversations.	19	talked about. And I be I I am certain
20	Q. Did you document those conversations	20	administration was aware of the situation.
21	with Ms. Spells?	21	Q. All right. And what makes you say that
22	A. No.	22	you don't believe it was strictly to women, his
23	Q. Did you document the conversation with	23	behavior?
24	Ms. Beere?	24	A. I recall conversations about him
25	A. No.	25	getting well, I'm aware of conversations he had
		1	

Suzanne D. Gregory Holland, Aliciav, Beaufort County et al

April 7, 2021

	Holland, Aliciav. Beaufort County et al				
	Page 34		Page 36		
1	with I believe it was the deputy county	1	I'm trying to figure out why they weren't written		
2	administrator at the time and another person,	2	down somewhere. So what is your understanding of		
3	who I'm not sure what capacity he worked in at the	3	comment?		
4	time, where it was very confrontational.	4	A. A comment is something stated in a		
5	Q. Did any of these ladies indicate to you	5	conversation that I I don't know how to		
6	that Mr. Beckert was partaking in any other	6	answer that.		
7	behavior that was more than rude, but maybe took it	7	Q. If someone were to call you about a		
8	a step further?	8	situation involving employee A and employee B, that		
9	A. Not that I can recall, no.	9	they were not involved in, just something that they		
10	Q. Are you aware that Mr. Beckert would	10	observed		
11	stare into Maria Walls's window outside of her	11	A. Uh-huh.		
12	office?	12	Q would that be documented or would		
13	A. I was I was told that, yes.	13	employee A have to come sit down in your office in		
14	Q. Do you recall who told you that?	14	a serious manner for you to document that?		
15	A. I believe it was the county	15	A. If someone came to me about employee A		
16	administrator.	16	and B having a conversation or a problem, I would		
17	Q. And who was that at that time? I know	17	likely contact employee A or B to look into it if		
18	Beaufort County has been through quite a few	18	it was a serious matter.		
19	lately.	19	Q. And did you ever contact Jim Beckert		
20	A. Gary Kubic.	20	about the, as you as you have termed them,		
21	Q. And was that documented in your	21	comments against him? Did you ever contact him to		
22	department?	22	discuss them with him?		
23	A. Not in my department. I believe Gary	23	A. No. I I made administration aware		
24	Kubic may have documented that.	24	of anything that went on because they were dealing		
25	Q. Why weren't these complaints or these	25	with him as an elected official at the time the		
123	Q. Why weren't these complaints of these	23	with fill as an elected official at the time the		
23	Page 35	23	Page 37		
1		1			
	Page 35		Page 37		
1	Page 35 comments documented anywhere?	1	Page 37 best they could.		
1 2	Page 35 comments documented anywhere? A. Comments weren't documented because it	1 2	Page 37 best they could. Q. And what were they dealing with him on?		
1 2 3	Page 35 comments documented anywhere? A. Comments weren't documented because it was casual conversation that that I wasn't	1 2 3	Page 37 best they could. Q. And what were they dealing with him on? Was there another issue going on that you're aware		
1 2 3 4	Page 35 comments documented anywhere? A. Comments weren't documented because it was casual conversation that that I wasn't approached in a serious manner. It was it was	1 2 3 4	Page 37 best they could. Q. And what were they dealing with him on? Was there another issue going on that you're aware of? A. I I I believe there were several issues going on with him, but one was his behavior.		
1 2 3 4 5	Page 35 comments documented anywhere? A. Comments weren't documented because it was casual conversation that that I wasn't approached in a serious manner. It was it was almost just here's another Jim Beckert situation,	1 2 3 4 5	Page 37 best they could. Q. And what were they dealing with him on? Was there another issue going on that you're aware of? A. I I I believe there were several		
1 2 3 4 5 6	Page 35 comments documented anywhere? A. Comments weren't documented because it was casual conversation that that I wasn't approached in a serious manner. It was it was almost just here's another Jim Beckert situation, you know, here and and it no one walked	1 2 3 4 5 6	Page 37 best they could. Q. And what were they dealing with him on? Was there another issue going on that you're aware of? A. I I I believe there were several issues going on with him, but one was his behavior.		
1 2 3 4 5 6 7	Page 35 comments documented anywhere? A. Comments weren't documented because it was casual conversation that that I wasn't approached in a serious manner. It was it was almost just here's another Jim Beckert situation, you know, here and and it no one walked no one walked into my office of the list I gave you	1 2 3 4 5 6 7	Page 37 best they could. Q. And what were they dealing with him on? Was there another issue going on that you're aware of? A. I I I believe there were several issues going on with him, but one was his behavior. Q. And when there is an issue with his behavior, he was the director of human resources, you were not involved in that?		
1 2 3 4 5 6 7 8	Page 35 comments documented anywhere? A. Comments weren't documented because it was casual conversation that that I wasn't approached in a serious manner. It was it was almost just here's another Jim Beckert situation, you know, here and and it no one walked no one walked into my office of the list I gave you and said: I have a problem with Jim Beckert. It	1 2 3 4 5 6 7 8	Page 37 best they could. Q. And what were they dealing with him on? Was there another issue going on that you're aware of? A. I I I believe there were several issues going on with him, but one was his behavior. Q. And when there is an issue with his behavior, he was the director of human resources, you were not involved in that? A. No, not directly. Because, there		
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10 (Pages 34 - 37)

Suzanne D. Gregory Holland, Aliciav. Beaufort County et al

April 7, 2021

	Holland, Aliciav. Be		
	Page 38		Page 40
1	abide by the handbook provided by Beaufort County?	1	A. With elected
2	A. It's my understanding once he became an	2	MR. BUYCK: Note my objection.
3	elected official, I had no authority to force him	3	THE WITNESS: With elected officials,
4	to abide by the handbook.	4	yes.
5	Q. And where did that understanding come	5	BY MS. AVANT:
6	from? Did someone tell you you didn't have	6	Q. Okay. And why is that?
7	authority over an elected official?	7	A. Because I have no authority over
8	A. I don't know if that was told to me	8	elected officials.
9	directly. But there were a lot of conversations	9	Q. Has
10	about and Mr. Beckert forwarded a lot of	10	A. They're not county employees.
11	information about the authority of an elected	11	Q. Has county administration told you you
12	official. And because he was not a county	12	have no authority?
13	employee, as the HR director, I would not have	13	A. I don't remember if they directly told
14	authority over him, just like I would not have	14	me that, but that is my understanding.
15	authority over a vendor that walked in. If there	15	Q. Was one of those instances with Jim
16	was something going on with a vendor, I would let	16	Beckert when he was forwarding statutes to you?
17	administration know.	17	Was him sending you, as I believe you just
18	Q. Which department enforces the Computer	18	mentioned, him forwarding you a statute letting you
19	and Information Systems Acceptable Use Policy?	19	know that you had no authority over him, was that
20	A. If if an employee violated that	20	one of those instances?
21	policy and it was brought to the attention of the	21	A. I cannot recall for sure. I believe he
22	HR department, we would work with the department	22	had forwarded something to that effect before.
23	head, as I recall, to decide what to do with that	23	Yes.
24	employee and and take necessary disciplinary	24	Q. And do you recall what you did once you
25	action.	25	received that information from Mr. Beckert?
	Page 39		Page 41
1	Q. Okay. And whenever we talked about	1	A. I believe any confrontational e-mails I
2	that policy earlier, the scope in that policy	2	got from Mr. Beckert I forwarded either to the
3	didn't limit it to employees	3	deputy county administrator or the county
4	A. Uh-huh.	4	administrator.
5	Q that scope would apply to, as you	5	Q. Did you ever inform anyone in county
6	testified earlier, anyone that was given county	6	administration about the comments that were made to
7	e-mail, county computer, county network systems,	7	you about Mr. Beckert?
8	county-issued phone system, which would include an	8	A. I cannot recall for certain, but I
9	elected official, correct?	9	believe I would have.
10	MR. J. ANDERSON: Object to the form.	10	Q. You believe you would have?
11	BY MS. AVANT:	11	A. I believe so, yes.
12	Q. You can still answer.	12	Q. Is it your understanding that that
13	A. I I believe it would, yes.	13	county administration and county counsel were aware
14	Q. So would HR enforce the Computer and	14	of numerous complaints by females of Beaufort
		15	County against Mr. Beckert?
15	Information Systems Acceptable Use Policy if an	13	
15 16	Information Systems Acceptable Use Policy if an elected official violated it?	16	MR. BUYCK: Note my objection.
	elected official violated it? A. No.	16 17	MR. J. ANDERSON: Object to form.
16	elected official violated it? A. No. Q. So an elected official is not expected	16	MR. J. ANDERSON: Object to form. THE WITNESS: I don't know if it was
16 17	elected official violated it? A. No.	16 17	MR. J. ANDERSON: Object to form. THE WITNESS: I don't know if it was just females. I don't recall that. But I believe
16 17 18	elected official violated it? A. No. Q. So an elected official is not expected to abide by the Computer and Information Systems Acceptable Use Policy?	16 17 18 19 20	MR. J. ANDERSON: Object to form. THE WITNESS: I don't know if it was just females. I don't recall that. But I believe they were aware of complaints regarding
16 17 18 19	elected official violated it? A. No. Q. So an elected official is not expected to abide by the Computer and Information Systems Acceptable Use Policy? A. No. If I was made aware of a	16 17 18 19 20 21	MR. J. ANDERSON: Object to form. THE WITNESS: I don't know if it was just females. I don't recall that. But I believe they were aware of complaints regarding Mr. Beckert.
16 17 18 19 20	elected official violated it? A. No. Q. So an elected official is not expected to abide by the Computer and Information Systems Acceptable Use Policy? A. No. If I was made aware of a violation, I would make administration aware.	16 17 18 19 20 21 22	MR. J. ANDERSON: Object to form. THE WITNESS: I don't know if it was just females. I don't recall that. But I believe they were aware of complaints regarding Mr. Beckert. MS. AVANT: I'm going to walk around
16 17 18 19 20 21	elected official violated it? A. No. Q. So an elected official is not expected to abide by the Computer and Information Systems Acceptable Use Policy? A. No. If I was made aware of a violation, I would make administration aware. Q. And so you rely on county	16 17 18 19 20 21 22 23	MR. J. ANDERSON: Object to form. THE WITNESS: I don't know if it was just females. I don't recall that. But I believe they were aware of complaints regarding Mr. Beckert. MS. AVANT: I'm going to walk around and distribute Exhibit Number 4.
16 17 18 19 20 21 22	elected official violated it? A. No. Q. So an elected official is not expected to abide by the Computer and Information Systems Acceptable Use Policy? A. No. If I was made aware of a violation, I would make administration aware.	16 17 18 19 20 21 22	MR. J. ANDERSON: Object to form. THE WITNESS: I don't know if it was just females. I don't recall that. But I believe they were aware of complaints regarding Mr. Beckert. MS. AVANT: I'm going to walk around

In the Matter of:

ALICIA HOLLAND

VS.

BEAUFORT COUNTY, ET AL

Thomas J. Keaveny, II

September 27, 2021



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P.O. Box 1296 Mt. Pleasant, SC 29465 843-849-0133 Spectrumaaa@gmail.com

Thomas J. Keaveny, II - 9/27/2021

	Page 13		Page 1
1	the discovery that's been served on the county?	1	there again because I don't want it to look
2	A He's aware that we've been served with	2	like we're trying to hide something from you.
3	discovery.	3	MR. CROSBY: Well, just know you have an
4	Q And, of course, you, as a lawyer,	4	obligation, if they know there's video of him
5	understand	5	going in there, to preserve it, and that can
6	A Sure.	6	be preserved right immediately.
7	Q the county would have an obligation to	7	MR. BUYCK: This is the first I've heard
8	preserve	8	of it, but I'll do whatever is necessary, but
9	A Right.	9	like I said, if y'all will let me know of
10	- 11	10	things, I'll be glad to try to preserve it.
		11	MR. CROSBY: Well, I just let I just
11	A Right, right.	12	let you know about that.
12	MR. BUYCK: And just for the record, I've	13	MR. BUYCK: That's fine.
13	given you the issues set forth regarding	1	
14	videos and that we don't have the capacity to	14	MR. CROSBY: But they already knew, so I
15	maintain the videos for a lengthy period of	15	would presume that it's been preserved.
16	time. There have been several letters	16	MR. BUYCK: Okay. First I've heard of
17	exchanged between your office and my office	17	it, so
18	relative to that, and if there's something	18	THE WITNESS: If it exists. I don't even
19	that y'all want within the time frames in	19	know if it exists.
20	which we're able to get it and you're aware of	20	MR. CROSBY: I think our next exhibit is
21	it, then let us let us know what you're	21	Number 18.
22	aware of, and we'll try to preserve it the	22	(Exhibit 18, 8/15/16 Email to Cadd
23	best we can, but otherwise, we don't have the	23	from Beckert, was marked for
24	capacity to do so.	24	identification.)
25	And I'm just I'm just putting this out	25	MR. CROSBY: I think the next exhibit's
	Page 15		Page 1
1	supposed to be is 18 in what we've marked	1	resolution of council, on August 1st, 2016, and the
2	so far.	2	regulations and the rules that are set forth in
3	BY MR. CROSBY:	3	that personnel handbook apply only to folks over
4	Q Do you recognize the attachment to	4	whom the administrator has authority, hiring and
5	Exhibit 18?	5	firing authority. The county administrator's
6	A I do.	6	authority does not extend to the offices of the
7	Q Just explain to me what this is.	7	elected officials.
8	A All right. Let me just read it fully for	8	And so what Mr. Kubic decided he wanted
	a second.	9	to do was to provide the elected officials,
9	Q Yeah. Take your time.	10	including the magistrates who are selected by a
9 10	A very very low private	11	state senator, the opportunity to adopt to
10	A Tremember seeing it but it's been a		State Schator, the opportunity to adobt to
10 11	A I remember seeing it, but it's been a long time.		
10 11 12	long time.	12	review the handbook and to decide whether or not
10 11 12 13	long time. All right. Yes. So I'm sorry. Your	12 13	review the handbook and to decide whether or not they wanted to utilize it for their personnel, and
10 11 12 13	long time. All right. Yes. So I'm sorry. Your question is?	12 13 14	review the handbook and to decide whether or not they wanted to utilize it for their personnel, and if they did, he wanted them to sign this document
10 11 12 13 14	long time. All right. Yes. So I'm sorry. Your question is? Q What is the attachment to Exhibit 18?	12 13 14 15	review the handbook and to decide whether or not they wanted to utilize it for their personnel, and if they did, he wanted them to sign this document so that we could then HR could then process
10 11 12 13 14 15	long time. All right. Yes. So I'm sorry. Your question is? Q What is the attachment to Exhibit 18? A Being a lawyer, I can be long-winded, and	12 13 14 15 16	review the handbook and to decide whether or not they wanted to utilize it for their personnel, and if they did, he wanted them to sign this document so that we could then HR could then process payroll, vacation times, all kinds of benefits,
10 11 12 13 14 15 16	long time. All right. Yes. So I'm sorry. Your question is? Q What is the attachment to Exhibit 18? A Being a lawyer, I can be long-winded, and I apologize for that, so if I get long-winded and	12 13 14 15 16	review the handbook and to decide whether or not they wanted to utilize it for their personnel, and if they did, he wanted them to sign this document so that we could then HR could then process payroll, vacation times, all kinds of benefits, everything, for the employees for the elected
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10 11 12 13 14 15 16 17 18 19 20 21	long time. All right. Yes. So I'm sorry. Your question is? Q What is the attachment to Exhibit 18? A Being a lawyer, I can be long-winded, and I apologize for that, so if I get long-winded and don't answer your question, just kind of get me back to where you want to be. But what this document is is it's a letter from Gary Kubic to basically all the elected	12 13 14 15 16 17 18 19 20 21	review the handbook and to decide whether or not they wanted to utilize it for their personnel, and if they did, he wanted them to sign this document so that we could then — HR could then process payroll, vacation times, all kinds of benefits, everything, for the employees for the elected officials the same as the employees over whom he had authority. Q And so is that sort of an exchange between the county and the elected official where
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9 110 111 12 13 14 15 16 17 18 19 20 21 22 23 24 25	long time. All right. Yes. So I'm sorry. Your question is? Q What is the attachment to Exhibit 18? A Being a lawyer, I can be long-winded, and I apologize for that, so if I get long-winded and don't answer your question, just kind of get me back to where you want to be. But what this document is is it's a letter from Gary Kubic to basically all the elected officials in the county regarding Beaufort	12 13 14 15 16 17 18 19 20 21	review the handbook and to decide whether or not they wanted to utilize it for their personnel, and if they did, he wanted them to sign this document so that we could then HR could then process payroll, vacation times, all kinds of benefits, everything, for the employees for the elected officials the same as the employees over whom he had authority. Q And so is that sort of an exchange between the county and the elected official where if they sign on to the be bound by the handbook,

4 (Pages 13 to 16)

Thomas J. Keaveny, II - 9/27/2021

	Page 17		Page 18
1	official, sign onto the handbook?	1	By electronic communication to the county
2	A I don't know that I ever saw his	2	administrator, you voluntarily adopted this policy.
3	signature, but it's my understanding that he did,	3	A There you go.
4	yes. I say I don't know. I don't recall seeing	4	Q So would that be confirmatory?
5	it, but I might have. But I think all the elected	5	A Yeah, yes, sir.
6	officials decided to go that way, although I don't	6	Q And this is where Mr. Beckert is
7	know about the legislative delegation. I see	7	attempting to require an employee to give 30 days
8	Representative Erickson's name is on here, and I	8	notice
9	really don't know what became of that.	9	A Right.
10	Q I'll pass you Exhibit Number 19.	10	Q of her leaving the county's
11	(Exhibit 19, 3/28/17 Email to	11	employment?
12	Keaveny from Gruber, was marked for	12	A Right.
13	identification.)	13	Q And Mr. Gruber is pointing to Mr. Beckert
14	BY MR. CROSBY:	14	that he's not allowed to do that?
15	Q And I just wanted to point to the	15	A Uh-huh.
1 <mark>6</mark>	maybe that third paragraph, Tom. Looks like an	16	Q That's a yes?
17	email from you to Josh Gruber. I guess you're	17	A Yes.
18	addressing Jim Beckert there?	18	Q And Maria Walls, likewise, signed the
19	A It looks like it's from Josh Gruber to	19	agreement to be bound by the Beaufort County
20	me, even though it then says Jim. So I think I	20	employee handbook?
21	remember this situation, but let's make sure.	21	A I don't know that I ever saw her
22	Yeah, I think this is right. Hold on a second. Do	22	signature, but by virtue of things that have gone
23	you want me to are you going to ask me	23	on with Maria and her employees, I have to believe
2.4	Q No. I was just if we look at that	24	that she agreed to be bound by it.
25	third paragraph Mr. Gruber writes there, it says:	25	Q In order to accept the to get the
	Page 19		Page 20
1	services from the county, there would have to be	1	regulations that are in there, sure, grievance
2	that agreement in place?	2	procedures, for instance.
3	A And I understand she's her employees	3	Q To follow the anti-harassment policies?
4	have been receiving those services, so I assume	4	A Yes, sir.
5	that she signed the document.	5	Q Going back to the office space, tell me
6	Q And once the elected official signs that,	6	what is the that interplay with regard to office
7	the memorandum, the agreement to be bound by the	7	space between the county and elected officials.
8	employee handbook and have their personnel, their	8	A So it's been a long time since I've
9	employees abide by the handbook, the county, as is	9	looked at the statute that applied, but the state
10	pointed out in Exhibit 19, expects the elected	10	statute requires the counties to provide the
11	officials and their employees to abide by the	11	elected officials offices and office equipment and
12	handbook?	12	office supplies, the things that I think the
13	MR. BUYCK: Note my objection.	13	statute is very broad and vague. It just I
14	THE WITNESS: You know, I would say that	14	think it says something like that the county shall
15	in general, the answer to that question is	15	provide the elected officials the resources
16	yes, but I don't think that it gave it	16	necessary to perform their functions, and so that's
17	certainly didn't give in my opinion, it	17	what we do. That's what the county does.
18	didn't give the county administrator authority	18	Q And where that office space is located
19	over their employees.	19	is that is within the discretion of the county?
20	BY MR. CROSBY:	20	MR. BUYCK: Note my objection.
l	Q Right, but you expected that the	21	THE WITNESS: Well, at some point it is. I think it's difficult to I think there's
21	1		
22	employees abide by the various provisions in the	22	
22 23	handbook?	23	some case law out there that indicates it's
22			

5 (Pages 17 to 20)



Deposition of:

Gary T. Kubic

April 7, 2021

In the Matter of:

Holland, Aliciav. Beaufort County et al

Veritext Legal Solutions

April 7, 2021

	Holland, Aliciav. Be	eau	iori County et al
	Page 42		Page 44
1	didn't have to feel that way, that I was there to	1	know the Bates number of what that would be or how
	help all involved, even Mr. Beckert.		it was identified in your discovery? It might help
	BY MR. CROSBY:		me without a copy.
4	Q. Employees feeling uncomfortable or	4	MS. AVANT: I think the e-mail would
	nervous in the presence of Mr. Beckert, when		begin with Bates number 000283.
	they're feeling like that, that interferes with	6	MR. BUYCK: Okay. Thank you. And that
11	number one, isn't it, and that's producing the		was is that the Walls?
	product for the public?	8	MS. AVANT: That's in the Walls case.
9	MR. J. ANDERSON: Object to the form.	9	MR. BUYCK: Okay.
10	THE WITNESS: I've been a I was an	10	MS. AVANT: And for some reason, that's
	administrator for 43 years. People who can't focus		not that's what it's on my screen, but if
	on the mission at hand 100 percent won't produce a		that's not right, let me know.
	product that is 100 percent.	13	MR. BUYCK: That's fine. I'm just
14	So, if you have gaps in the process,		trying to pull it up.
	whether it be individuals or IT software or	15	THE WITNESS: DOR. I forgot about
	whatever, you try to find ways to fill the gaps so		this.
	that the product is the best it can be.	17	MR. CROSBY: Mr. Kubic, while you look
18	And in this case, those two units, the		at that, let me take a quick break off the record
			and give you a minute to look that over. I'm going
	auditor and treasurer, I cannot express how critical that function was. And and we		to
111		21	THE VIDEOGRAPHER: We are going off
	facilitated you know, when you reach a point		record. The time is 2:11 p.m.
	where you can't produce a tax bill properly, I	23	(A recess transpired.)
	decided that we would produce a written protocol		THE VIDEOGRAPHER: We are back on
	that the treasurer and the auditor would follow.	24	
25	The protocol was created. It was	23	record. The time is 2:21 p.m.
	Page 43		Page 45
1	Page 43 submitted for review to Mr. Beckert, to Maria	1	Page 45 BY MR. CROSBY:
1 2	Page 43 submitted for review to Mr. Beckert, to Maria Walls, to county council for comment. Came back	1 2	Page 45 BY MR. CROSBY: Q. Before we went off, Mr. Kubic, I passed
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25 earlier?

MR. BUYCK: Chelsi, do you happen to

25

Page 46	Page 48
1 A. Yes.	1 MR. J. ANDERSON: Object to the form.
2 Q. And what necessitated the need to	2 THE WITNESS: The source of the
3 develop that?	3 disagreement of this protocol was Jim Beckert.
4 A. Well, it became clear that to me	4 BY MR. CROSBY:
5 that the ability of the auditor and the ability of	5 Q. And if we look at what Councilman
6 the treasurer to coordinate their actions in	6 Bensch wrote to you on the Page 1 of Exhibit 7
7 concert to produce a tax bill was very difficult if	7 and this is in September 2016, correct, that
8 not impossible. And so in the alternative to	8 this interchange?
9 produce what I thought would be a viable pathway	9 A. Yes.
10 that all of us could walk on to produce the product	Q. And if I recall correctly, was Mr
11 that if we had it in a format a written format	11 when was Mr. Beckert sworn in?
12 that we were all aware, and that includes county	12 A. I don't know.
13 council as well, that we could agree to it, and	13 Q. July of 2016 or was it '14? I meant
14 then there would be no question as to dates and	14 '14. I think it was '14. And he says she says:
15 times and responsibilities and levels of functions	15 Gary, this situation seems to be getting out of
16 that all of the various parties involved to	16 control. And the situation is the inability of
17 generate a bill and to collect a bill, that it	17 Mr. Beckert to work with the administration and the
18 would work. And so these e-mails that are included	18 treasurer's office to generate the tax bills?
19 in this exhibit all reflect the exchanges that	MR. J. ANDERSON: Object to the form.
20 occurred to develop that protocol that written	20 THE WITNESS: I believe this is a
21 protocol.	21 collection of I think the impression that
Q. What was the source of the difficulty	22 councilman Councilperson Bensch reflects in her
23 in getting the treasurer's office and the auditor's	23 e-mail to me is a result of the complaints or the
24 office to work in concert?	24 arguments proffered with regard to how to create a 25 tax bill, proffered by Mr. Beckert's impression as
A. Could you repeat that, please?	23 tax bin, proffered by Mr. Beckert's impression as
Page 47	Page 49
1 Q. What was the source of the difficulty	1 to how to, Maria Walls's impression as to how to,
1 Q. What was the source of the difficulty 2 in getting the treasurer's office and auditor's	1 to how to, Maria Walls's impression as to how to,2 and to a degree my impression as to how it should
1 Q. What was the source of the difficulty 2 in getting the treasurer's office and auditor's 3 office to work in concert?	 1 to how to, Maria Walls's impression as to how to, 2 and to a degree my impression as to how it should 3 be done, because the IT and the generation of that
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13 (Pages 46 - 49)

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1 his obsession with control and authority has to	Q. Did after you carried the concerns		
2 obviously affect office morale and performance in	2 Ms. Walls raised to council, were there ever any		
3 many departments, and says: I know you're very	3 solutions proposed by council on how to alleviate		
4 concerned.	4 these concerns that she had raised to you?		
5 Was she correct that you were concerned	5 A. It was my impression that council felt		
6 about Mr. Beckert's affect on the morale and	6 that having them both present at their committee		
7 performance of the various county departments that	7 meetings or allowing each of them separately or		
8 were under your control?	8 collectively to address council from the podium		
9 A. Yes.	9 about their concerns on a matter in dispute, which		
Q. And that goes back to what you talked	10 they permitted.		
11 about earlier?	I do believe that I advised		
12 A. It goes back to Monica Spells, several	12 Mr. Sommerville and Mr. Stewart of my concerns		
13 of my staff members, Dave Thomas in purchasing,	13 regarding the inability of both parties to resolve		
14 Alicia, Maria Walls. You know, it it it's	14 their differences so that there could be a		
15 without question that Mr. Beckert was a disruptive	15 collective positive outcome in the responsibilities		
16 force generally.	16 of each at the department, because what's unique		
Q. The did Maria Walls relay to you	17 about these two departments is they're independent,		
18 other concerns she had with Mr. Beckert's behavior	18 but their product is is a combination of		
19 toward her other than the staring through her	19 of of both efforts.		
20 window?	And then the third component is the IT,		
A. Yes. Maria on several occasions told	21 which is the software processing to actually create		
22 me that she was afraid. She also shared with me a	22 the tax rolls which then go towards the final		
23 notebook of various things that Mr. Beckert was	product in printing the bills.So, yeah, they were aware, and I think		
24 doing in terms of affecting her department, tape 25 recording her. And she gave me a copy of that	So, yeah, they were aware, and I think the heightened awareness of it was the tax bills.		
Page 5: 1 notebook I think with the hope that I would be able	Page 57 1 I mean, there were disputes on language, there were		
2 to somehow correct the situation. The problem for	2 disputes on timeliness. And I wasn't the only one		
3 me was I was the county administrator, and I have	3 that called the department of revenue. Mr. Beckert		
4 11 bosses, and besides going to the department of	4 called them countless times trying to get them to		
5 revenue and county council, there is not much else	5 see his way.		
6 I could possibly do. I couldn't dismiss him or get	6 Q. And what you learned from your		
7 him out of office. He was an elected official.	7 conversations with the department of revenue was		
8 Q. Did you go to council with the those	8 that Mr. Beckert's interpretation of the laws was		
9 concerns that about Ms. Walls's that she had	9 inaccurate?		
10 expressed to you?	10 A. Yes. And I think a few times with the		
11 A. Yes. The procedure that I employ with	11 extensions you know, they were they were		
12 council, because there are 11, is that I first	12 granting us extensions to push the date to produce		
13 advise, which I did, my concerns to county chairman	13 the bills back a month or so. But they were keenly		
14 and the vice chair, and I think it was at the time	14 aware of Mr. Beckert.		
15 Paul Sommerville and Jerry Stewart. As a matter of			
16 fact, the protocol written protocol on how to	16 earlier about Ms. Walls's concerns for her safety,		
17 get a tax bill was an example of that concern. I	17 you were talking about her physical safety?		
18 think I addressed in several of the meetings,	18 A. Yes.		
19 particularly I think finance, that we were having	19 MR. J. ANDERSON: Object to the form.		
20 difficulties with the auditor in general.	20 BY MR. CROSBY:		
And I think there were times where the	Q. And she expressed that to you?		
And I think there were times where the 22 auditor and treasurer in those meetings were	A. Yes. More than one occasion.		
And I think there were times where the auditor and treasurer in those meetings were present, and they both spoke to it, and it was	A. Yes. More than one occasion.Q. Was council aware that you had locked		
And I think there were times where the auditor and treasurer in those meetings were	A. Yes. More than one occasion.		

15 (Pages 54 - 57)

Tionand, Anciav. B	r
Page 58	Page 60
1 Mr. Beckert let them know.	1 would be created by having all elected officials
2 Q. Did he ever express his displeasure to	2 consent to the rules and regulations of a personnel
3 you?	3 handbook, which then offered a level of expertise
4 A. Oh, yeah.	4 for HR in terms of consistent management or
5 Q. That was certainly within your	5 application for vacation, sick leave, whatever the
6 authority to take that action, I assume?	6 provision or idea would be.
7 A. Yes. I think there is a I'm not	7 Q. Was the adoption by the elected offices
8 sure if there is a statute or there is a policy.	8 of this of Exhibit 1, the manual, a part of
9 Maybe it's a council policy. But county	9 the I guess the bargain with the county for
10 administrators are responsible for the all	10 to receive HR services and that type of thing?
11 buildings of the county, includes maintenance. The	A. Yeah. There was a sort of a mutual
12 only caveat would be overall security, which I	12 understanding that the HR department was under the
13 coordinated with the sheriff's office.	13 control of the county administrator; however, to
Q. Have you got Exhibit Number 1? Can you	14 assist in advertising a position or to assist in
15 pass him a copy there?	15 management or to assist in producing documents on
16 A. Give me three minutes so I can read	16 behalf of the employee W-2, the actual paychecks,
17 this document.	17 how to do electronic deposit, all those things were
18 Q. Just take a second. You probably	18 a result of a mutual understanding of how to
19 helped write it, so	19 process.
20 A. I'm familiar with it.	It didn't necessarily mean that I could
Q. And that's the county handbook that was	21 tell any elected official who to hire. That was up
22 adopted that version looks like August of 2016?	22 to them. But the process of how to manage and what
23 A. Yes. Resolution 2016/11.	23 was expected of both sides, that was the purpose of
Q. And I believe that in addition to	24 the handbook: Consistency.
25 county employees, that the employees of the	Q. And consistency on that side, and then
Page 59	Page 61
1 480 57	126001
1 auditor's and treasurer's office signed off on that	1 there was a centralized the elected offices got
1 auditor's and treasurer's office signed off on that	 1 there was a centralized the elected offices got 2 the benefit of using the county's HR services like 3 you say for W-2s and
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1 elected officials, it's also for the new hires to	1 fellow human being.
2 understand what their responsibilities are to the	2 And then it says: The county does not
3 taxpayer of Beaufort County.	3 tolerate harassment of any kind and strictly
4 Q. Right. This is the exact same handbook	4 forbids retaliation against anyone who has reported
5 that your staff would sign?	5 harassment in good faith.
6 A. Yes.	6 A. Yes. That's what it says.
7 Q. And it sets forth the expectations with	7 Q. And basically it's what we've talked
8 regard to the how you expect county employees	8 about earlier, your efforts that we've talked about
9 and those that sign off on this to act in the	9 to protect your staff and your employees from some
10 workplace? It has	10 of Mr. Beckert's conduct were in effort to provide
MR. J. ANDERSON: Objection.	11 the working anti harassment-free environment to
MR. BUYCK: Note my objection.	12 your employees?
13 BY MR. CROSBY:	A. That's correct. That's just sound
14 Q certain certain forbidden	14 sound management.
15 or behaviors that are set forth in this?	15 Q. Because what what Mr. Beckert's
MR. BUYCK: Same objection.	16 conduct, as you observed, would rose to the
MR. J. ANDERSON: Me too.	17 level of what one would describe as harassment
THE WITNESS: It it's a it's a	18 within this definition?
19 personnel handbook that offers the elected official	19 MR. J. ANDERSON: Objection.
20 the hiring authority and the employee hired by the	20 THE WITNESS: Are you asking me whethe
21 hiring authority to know in writing what the	21 or not Mr. Beckert violated this provision as
22 expectations would be for each side. And so for	22 written in the employee handbook?
23 clarity, and also I think to protect the county	23 BY MR. CROSBY:
24 overall from random or haphazard claims by	Q. That's another way of saying it.
25 employees against the county, if they did not	A. I would have to say I agree with that
Page 63	Page 65
1 follow the handbook, then they have no real	1 assessment.
2 position to argue.	2 Q. And what you did to the best of your
3 BY MR. CROSBY:	3 ability was try to protect the county's employees
4 Q. And	4 from that type of environment?
5 A. So, if they violated procedure, we had	5 A. Yes.
6 the ability to process them through the conditions	6 Q. And you actually tried to in some
7 and the grievance procedures defined in this book.	7 respects to to help protect Maria Walls from
8 Q. And one of the purposes of the some	8 that conduct by putting up the cameras and taking
9 of the language in the handbook is to provide a	9 the concerns to county council?
10 good working environment by prohibiting such things	10 A. Yes.
11 as sexual harassment?	11 MR. J. ANDERSON: Objection.
12 A. Yes.	12 BY MR. CROSBY:
Q. That's something that was strictly	Q. Go over to page let me let me ask
14 forbidden by the county?	14 something before this. There is always this issue
15 A. Appropriate behavior.	15 about Jim Beckert that seems to permeate, and that
Q. If we look at Page 6 at Paragraph 1.3,	16 is that no one could do anything about him because
17 it has an anti-harassment policy set forth there.	17 he was an elected official. That was and you
18 A. Page 6, 1.3, yes.	18 and I have talked about that, that you didn't have
19 Q. And in the second sentence, it says:	19 statutory authority to control an elected official,
20 In addition to county endeavors to provide a	20 correct?
21 working environment in which employees are free	21 A. Yes.
22 from discomfort or pressure resulting from jokes,	Q. The office of the auditor and the
23 ridicule, slurs, gossip, threats, bullying,	23 treasurer are in county-owned property?
24 harassment whether relating to such distinctions or	24 A. Beg your pardon?
	25 O The offices of both the treasurer and

Q. The offices of both the treasurer and

25

25 simply resulting from a lack of consideration for a

	Tionand, Anciav. Bo	_	
	Page 66		Page 68
1	the auditor are located in county-owned property?		or sick as a regular employee. There is a separate
2	A. Yes.		category for elected officials in my opinion. I
3	Q. And I take it the county provides a		don't know whether it's defined by statute. But he
4	budget for their offices?	l .	is not considered a regular employee for this
5	A. County council does the appropriation		personnel handbook.
6	for each of the units.		BY MR. CROSBY:
7	Q. Was there ever any discussion while you	7	Q. He signed a copy, didn't he?
	were employed with the county about separating the	8	A. He signed all the elected officials
	offices or moving Jim Beckert's office to another		sign these copies to accept the handbook as a tool
	location?		for new hires in terms of defining the
11	A. Well, we had discussions because we		relationships between the hiring authority and the
	were locating satellite offices and had satellite		employee.
	offices for both the auditor, treasurer, and other	13	Q. Do you have any understanding as as
	functions on Hilton Head. We remodeled one stop		to whether Mr. Beckert currently is allowed in the
	for the Bluffton South of the Broad office. But I		county building?
	did not engage I did not suggest moving	16	A. Well, I don't have any direct
	Mr. Beckert out of his main office as a result		knowledge, but I have received a few phone calls
	of of these matters.		that he has been moved to another location.
19	Q. Page 8, Paragraph 1.6.	19	Q. And and I guess that's what I was
20	A. Page 8. Okay. What paragraph?		getting at. I mean, council apparently took that
21	Q. 1.6.		step and made that decision currently, and that
22	A. All right.		was all this was just directed as whether or not
23	Q. And this point you to that second		that had ever come up in your tenure about moving
	sentence there where it says: Non-employees may be		him?
25	reported to appropriate law enforcement, which you	25	A. No. Not to remove him from his office
	Page 67		Page 69
	did that, and I believe Mr Ms. Walls may have		location.
	done that over time. And it says that and/or	2	Q. And the county owns the building and
3	barred from the premises.		controls the building, correct?
4	Do you have and what you're telling		A Voc
5		4	A. Yes.
	me is that never was a discussion between you and	5	Q. And presumedly since they've done it
6	council to your recollection as to whether	5 6	Q. And presumedly since they've done it now, had council wanted to take that action when
6 7	council to your recollection as to whether Mr. Beckert could be moved and barred from the	5 6 7	Q. And presumedly since they've done it now, had council wanted to take that action when you first brought these complaints to their
6 7 8	council to your recollection as to whether Mr. Beckert could be moved and barred from the premises over in Ribaut Road?	5 6 7 8	Q. And presumedly since they've done it now, had council wanted to take that action when you first brought these complaints to their attention, they could have done so?
6 7 8 9	council to your recollection as to whether Mr. Beckert could be moved and barred from the premises over in Ribaut Road? A. Well, two things: One, this particular	5 6 7 8 9	Q. And presumedly since they've done it now, had council wanted to take that action when you first brought these complaints to their attention, they could have done so? MR. BUYCK: Note my objection.
6 7 8 9 10	council to your recollection as to whether Mr. Beckert could be moved and barred from the premises over in Ribaut Road? A. Well, two things: One, this particular paragraph I would question as to whether it applies	5 6 7 8 9 10	Q. And presumedly since they've done it now, had council wanted to take that action when you first brought these complaints to their attention, they could have done so? MR. BUYCK: Note my objection. MR. J. ANDERSON: Objection.
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6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	council to your recollection as to whether Mr. Beckert could be moved and barred from the premises over in Ribaut Road? A. Well, two things: One, this particular paragraph I would question as to whether it applies to an elected official or not. And in that sense, to answer your question directly, I did not have any discussions regarding removal of Mr. Beckert from any of his offices to someplace else as a result of these discussions we're having here. Q. Well, it has two categories of people, either employees or non-employees? A. Right. Q. And Mr. Beckert, what you told me, is not an employee? MR. J. ANDERSON: Objection. THE WITNESS: In my interpretation,	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Q. And presumedly since they've done it now, had council wanted to take that action when you first brought these complaints to their attention, they could have done so? MR. BUYCK: Note my objection. MR. J. ANDERSON: Objection. MR. BUYCK: In a matter of law. THE WITNESS: Well, I suppose they could have. I don't know if it was offered as a solution. BY MR. CROSBY: Q. That it would be council that would have to make that decision, correct? It wouldn't be A. It's not me. Q. You wouldn't have that power? A. Huh-uh. Maybe the governor. Q. And with regard to the employees, there

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Page 72
                                                 Page 70
                                                           1 automatically have all the knowledge and
 1 is also expectations that the county is going to
                                                          2 intelligence and experience to manage and conduct
 2 endeavor to provide that nonhostile,
                                                          3 employees or procedures.
 3 harassment-free workplace for the employees --
                                                                    And so it's a handbook, not only for
       A. Yes.
                                                          5 the employees you hire, but it's also a handbook
 5
        Q. -- correct?
                                                           6 for the elected official or hiring authority to
          It's a two-way street there. Employees
                                                          7 understand and know those rules as well because an
 7 are expected to not harass people, and if the
                                                          8 elected official just comes from the general
 8 county sees it, the county is expected to take
                                                           9 population. There are no, quote/unquote,
 9 action to protect those employees?
                                                          10 requirements that you have to be in business or
        A. There is multiple facets of conduct
11 required by a public employee. First and foremost,
                                                          11 have a certain degree. If you have the right age
                                                          12 and you're a resident, you probably can run for any
12 they have to treat the public under the same
                                                          13 position. So it's -- it's designed to help both
13 conditions in terms of respect and appropriate
                                                          14 parties -- all parties, actually.
14 behavior. You can't swear at an employee or a
                                                          15 BY MR. CROSBY:
15 taxpayer just because he disagrees with the amount
                                                                  Q. Were you ever asked by any of the
16 on his tax bill. There is proper conduct that way.
                                                          17 council members to resolve any of these issues
17
           There is also parameters that -- in
                                                          18 related to Jim Beckert in his favor one way or the
18 this handbook as to how employee-to-employee
                                                          19 other?
19 conduct should be entertained in the workplace,
                                                         20
                                                                  A. Could you repeat the question, please?
20 just to protect not only from sexual harassments,
21 but in terms of providing a workplace where people
                                                         21
                                                                  O. Were you ever asked to resolve any of
22 can feel safe as an employee, be able to conduct
                                                          22 the issues that would come up about Jim Beckert in
                                                         23 a -- in a fashion that was favorable to him?
23 their business with fellow employees without having
                                                                  A. There were several times where a
24 to worry about interference from another individual
                                                          25 conflict would exist with Mr. Beckert and Maria or
25 who may disagree or just don't like the clothes
                                                 Page 71
                                                           1 Mr. Beckert and IT, and council would ask me in
 1 you're wearing that day.
                                                           2 terms of my responsibilities and duties as county
           And so this handbook was recommended by
                                                           3 administrator to help resolve the issue, which I
 3 outside counsel to create a standard for both
                                                           4 did try to do. But as I was reminded by
 4 employee and employer to follow so that there would
                                                           5 Mr. Beckert, that he is an auditor under a separate
 5 be a clear understanding that if there was a breach
                                                           6 chapter of the South Carolina code of law and that
 6 on anyone's part, there was a basis for either
                                                           7 his duties and responsibilities are defined by
 7 dismissal or discipline, whatever was deemed
                                                           8 that, and that I have no real ability to instruct
 8 appropriate based on the grievance or the poor
 9 conduct.
                                                           9 him or order him or advise him as to what conduct
                                                          10 would be appropriate for his office.
        Q. What you're telling me in a -- in a
10
                                                          11
                                                                     But council did ask, as anyone would
11 broad sense, sort of long answer is that this is
                                                          12 in -- as a reasonable person, look, let's get the
12 the expectation for anyone in county -- on county
                                                          13 issue on the table, let's expose our differences,
13 property, whether it be the public or employees or
                                                          14 and let's come to a solution so that, you know, a
14 anyone else, that this was expected -- was intended
                                                          15 product is produced for the taxpayer.
15 to provide as a guidance for behavior, period?
                                                          16
                                                                  Q. Did any individual councilman ever ask
16
           MR. J. ANDERSON: Objection.
                                                          17 you to side with Beckert or, you know, try to --
17
           MR. BUYCK: Same objection.
                                                          18 with regard to any of these conflicts?
18
           THE WITNESS: Yes. And it's also -- it
                                                          19
                                                                  A. I don't -- I don't -- to answer your
19 was designed to help -- you know, an elected
                                                          20 question with the word side, I think they're smart
20 official, you don't have to be a manager of an
                                                          21 enough -- I think councilmen basically in these
21 employee, you don't have any qual -- real
                                                          22 public meetings would encourage -- I would rather
22 qualifications to hold public office, all except is
23 you have to win the most popular vote. So there is
                                                          23 use the encourage -- to take a look at
                                                          24 Mr. Beckert's arguments and determine whether or
24 no assumption for me as a -- or from a county
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25 not any facets of his arguments had merit, and

25 administrator that because you get elected, you

Ex. 3

Beaufort County Adopts Testimony:
Topic 14: The Role of the Auditor in Calculating the
County's Millage

In the Matter of:

ALICIA HOLLAND

VS.

BEAUFORT COUNTY, and JAMES BECKERT, Individually, and in his official capacity

David Cadd

September 28, 2021



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David Cadd - 9/28/2021

Page 14 Page 13 bill issue? What was the problem there? 1 giving me a pay raise. And I said, I didn't want a 1 2 2 pay rise because the pay raises for -- the county A He felt like -3 MR. ANDERSON: Object to the form. 3 staff was on hold due to the coronavirus, the 4 A I'm sorry? 4 COVID-19. And so until they got theirs, I didn't want to discuss my pay raise. That's just the way I 5 BY MR. CROSBY: 5 6 Q You can go ahead. 6 have been taught. So I said no. I said, once we 7 A Okay. 7 learn what's going to be done with them, then we can 8 Q You may hear lawyers object to a question 8 discuss mine. Q So in January of 20- -- I mean, December 9 every now and then. 9 10 10 A Okay. of 2020, he was offering you an increase in pay? 11 Q He didn't like the way I asked the 11 A Yes. question, but that's okay. You can answer it. 12 12 Q And did he tell you why he was wanting to 13 13 A What he - Mr. Beckert told me in his own increase your pay? 14 A He said I was doing a good job. I was 14 words were that he was responsible for setting the debt millage and not county council, and they set 15 holding down the fort because he was no longer 15 allowed in the building due to a different 16 it, and he didn't approve it. So he was going to 16 17 situation, and I said, okay. So he said I was doing 17 change it in the computer system. 18 a good job. I was taking care of everything. I was 18 Q And help me -- help me understand that a 19 making sure that when the court came out and told 19 little bit better. You -- you guys work in this 20 him he had to fix the tax bills, that I was keeping 20 finance stuff. Help me -- help me understand how up with that. Making sure everything was being 21 21 that affected my tax bill from Beaufort County. 22 A The millage is set by county council. 22 done. So I said, okay. That's great. And, 23 They -- they have a finance committee that 23 basically, you know, that was it and yep. That --24 determines the millage -- whoever is on the finance 24 yeah. That was it. 25 committee is determined by the county. That's where 25 Q Why was -- why was he resisting the tax Page 16 Page 15 1 they get their information. They get all their 1 Q Did he have authority to do that? 2 A I don't know. I -- I just don't know. I 2 information together between that, the -- you know, 3 mean, through my training, everything was set by 3 the finance department and everything. And then, 4 county council. Not by Mr. Beckert. But, I mean, 4 from that point, they go forward, and after they 5 that's in the courts right now. So I -- I really 5 agree to it, then, they present it for the three 6 can't justify who's right or who's wrong. 6 readings to county council to approve the millage 7 7 Q Do you know whether the court had ruled on 8 8 Mr. Beckert felt like the debt that? 9 A I - I do not. I don't - that's with the 9 millage, which is a separate from the operation 10 county right now. I do not know if the court has 10 millage, which I was just was talking about, was 11 set -- is to be set by him. The critical ans came 11 ruled on that yet or not. I know it was before up with a debt millage level. He did not approve of 12 Judge Mullens before I left back in October or 12 13 November of 2020. 13 it because he didn't feel like it was going to --14 Q Give you Exhibit Number 50. 14 that they miscalculated is what he told me. They 15 miscalculated. So after the county council approved 15 (Plaintiff's Deposition Exhibit No. 16 the millage for the debt millage for critical role 16 50 was marked for identification.) 17 A Yes. sir. 17 of lands, he came back and changed it to a different BY MR. CROSBY: 18 18 level, which was higher than what they originally 19 Q Pass that around, the two copies if you 19 had. Q He on his own changed it in the -- in the 20 20 don't mind. 21 21 A Oh, I keep the yellow one. Check. system? 22 Q I think you're copied on -- on that -- on 22 A On his own, he sent an e-mail out to 23 county council from what I understand. I didn't --23 the CC line? 24 A Usually, yes. Most e-mails, I am. Yes, 24 I didn't see the e-mail that he was changing the 25 25 sir. millage rate.

4 (Pages 13 to 16)

In the Matter of:

ALICIA HOLLAND

VS.

BEAUFORT COUNTY, ET AL

JOHN HERVOCHON

September 27, 2021



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JOHN HERVOCHON - 9/27/2021

	Page 9		Page 10
1	MR. CROSBY: You said the next one would	1	Why would he why is he forwarding that to you?
2	be 27?	2	A I don't recall specifically.
3	(Exhibit 27, 10/22/19 Email to	3	Q Do you have an understanding of why
4	Hervochon from Caporale, was marked for	4	Mr. Caporale would be drafting a press release for
5	identification.)	5	Mr. Beckert?
6	BY MR. CROSBY:	6	A No, I don't. I know that Rick and Jim
7	Q If you'd just take the one with the	7	had some sort of relationship when Rick was on
8	yellow sticker and then pass the other two to	8	counsel, but beyond that, I don't know why he would
9	Mr. Buyck.	9	do that.
10	Who is Rick is it Caporale?	10	Q Did you have a conversation with
11	A Caporale.	11	Mr. Caporale about the press release that was he
12	Q Caporale.	12	had drafted?
13	A He was my predecessor on county council.	13	A I don't recall.
14	Q You took his place?	14	Q You are familiar with the I guess
15	A Yes, sir.	15	controversy or discussion surrounding the contents
16	Q This is an email from Mr. Caporale to you	16	of the press release?
17	attaching a piece that he had written for who he	17	A Correct.
18	refers to there as the Duke of Dyslexia. That's	18	Q Is that the matter that ended up with the
19	Mr. Beckert?	19	independent auditing firm coming in and looking
20	A Presumably.	20	into the matter?
21	Q Is that something that you the manner	21	A Can you specify the question?
22	in which you refer to Mr. Beckert?	22	Q Do you recall in some of these financial
23	A No, sir.	23	discussions an issue that arose between Mr. Beckert
24	Q And here he's indicating to you that this	24	and Alicia Holland regarding some of the
25	is a press release that he wrote for Mr. Beckert.	25	calculations?
	Page 11		Page 12
1	_	1	Page 12
1 2	A Which calculations are you referring to?	1 2	<u>-</u>
2	_		his emails? A Edit emails?
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3 (Pages 9 to 12)

In the Matter of:

ALICIA HOLLAND

VS.

BEAUFORT COUNTY, ET AL

Thomas J. Keaveny, II

September 27, 2021



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P.O. Box 1296 Mt. Pleasant, SC 29465 843-849-0133 Spectrumaaa@gmail.com

Thomas J. Keaveny, II - 9/27/2021

	Page 45		Page 46
1	to him that what he was saying was inaccurate?	1	Q Did you also observe over time that he
2	A I don't have an independent recollection	2	had a crusade against Alicia Holland?
3	of having talked to him, but I indicate in my email	3	MR. ANDERSON: Objection.
4	that we had explained we had explained this to	4	THE WITNESS: No, I didn't. I didn't
5	him previously. As I said, we'd explained Item A	5	learn about problems that Alicia and
6	to Mr. Beckert. He simply doesn't like the answer,	6	Mr. Beckert had until later on, and my
7	and he won't accept it.	7	impression was that I learned about them at or
8	Q And that was quite often if you	8	about the time they arose. I don't think that
9	explained something to Mr. Beckert that was	9	was as early as February in 2018.
LO	contrary to what he was saying, he wouldn't like	10	The problems with Mr. Beckert and
1	the answers?	11	Ms. Walls started immediately when they both
.2	MR. ANDERSON: Objection.	12	got sworn in. I mean, they had disagreements,
. 3	THE WITNESS: There were times when he	13	they weren't necessarily acrimonious, but as
. 4	disagreed with us, yes.	14	the disagreements continued, they got more
. 5	BY MR. CROSBY:	15	intense, they got acrimonious, but Ms. Holland
. 6	Q And you write here: He would rather	16	was not involved initially.
.7	continue his personal crusade against the treasurer	17	BY MR. CROSBY:
. 8	by alleging she's violating state law?	18	Q And you write here: Frankly, I believe
9	A Yes.	19	that is defamatory per se, and what you mean by
0	Q And you believed he had a personal	20	that is that by accusing her falsely accusing
21	crusade against Maria Walls?	21	Ms. Walls of violating state statutes, that could
22	MR. ANDERSON: Objection.	22	harm her reputation?
23	THE WITNESS: He seemed he seemed to,	23	MR. ANDERSON: Objection.
4	yes, by that time.	24	MR. BUYCK: Note my objection.
25	BY MR. CROSBY:	25	THE WITNESS: Harm her representation in
	Page 47		Page 48
1		1	
1 2	her profession.	1 2	that Mr. Beckert filled.
2	her profession. BY MR. CROSBY:	2	that Mr. Beckert filled. Q What is let me ask, before we move on
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 20 21	her profession. BY MR. CROSBY: Q Yeah. A Right? Q Then you say you suspect it's only a matter of time before she decides she's had enough and takes some kind of action, which I guess you accurately predicted, it just might have took longer than you thought? A Yes. Q And then you say: If Mr. Kubic were still here, he would have taken action by now. A Yes. Q What do you think that Mr. Kubic would have done? A Well, Mr. Kubic so here we're talking in February of 2018. Mr. Kubic had been gone since September of 2017 and actually really kind of really since the summer of 2017 when his parents when his mother died first and then his dad died. But Mr. Kubic was a very hands-on guy. He was a so I think he would have been much more	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	that Mr. Beckert filled. Q What is let me ask, before we move on to that, did Alicia Holland ever discuss with you any issues she was having with Jim Beckert? A She did, and I believe she did that in a personal not as a county attorney, as a just one-on-one personal relationship. Q And tell me what she relayed to you. A You know, this is a long time ago, and as you know, a lot has gone on since 2015 here. We've been through four administrators, interim and not, and it's just kind of hard to keep some of these things straight. But it's my recollection that in that a real controversy seemed to arise between Alicia and Jim Beckert in 2019 when he started challenging her calculation of the value of the mill. And the value of the mill was critical because to county government because it is the basis for determining how many mills people will be taxed on their tax bill. And the budgets are done in the spring,

12 (Pages 45 to 48)

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has to figure out what their expenses are, what 1 2 they're going to buy, what they're not going to buy, what their personnel costs are going to be, 3 4 and all of that.

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So unlike most of us, you know, when we're in private practice, you think, okay, well, what are my revenues, and then I'll kind of figure out what my overhead can be and what my expenses can be. Government is more like, well, what are our expenses, and everybody tries to keep them down as much as they can, and then they say, okay, well, how much money -- how many mills do we have to charge the taxpayers in order to make that expenditure? And in order to do that, you've got to figure out what the value of the mill is because that figure -- that determines how many mills people are charged.

So the value of the mill is very important, and when Mr. Kubic was here, Mr. Kubic had a finance background, came here from Ohio and was in some capacity I think in finance. I know that was his background. And he and Alicia worked very well together. And Alicia was our CFO, she's a CPA, and she's an amazingly capable person and professional.

Page 50

And she had been calculating the value of the mill -- she and her department, the finance department, had been calculating the value of the mill for budget purposes for years and years and years, and Mr. Beckert decided he wanted to get involved in that issue, and he started challenging Alicia's - the process she used to calculate the value of the mill, and that was the issue that I became aware of.

And I remember being in a meeting with her one day and -- one morning over by my office, and she and I and maybe one or two other assistant county administrators, and she was like sitting to my right, and she said, "Tom, I just feel like I'm having heart issues." I told her she needed to call her doctor immediately and get in to her doctor. And she was saying it was because Mr. Beckert was just haranguing her and wouldn't let up on her, and it was having -- taking a physical toll on her.

So that's really -- that was the -- that was the - kind of the summer. It was the summer of 2019 that I recall.

Q And was it just the one occasion that she confided in you?

Page 51

A No, no. She confided in me several times, but just on person-to-person, not as a county attorney. She wasn't calling me and asking me for legal advice as a county attorney about how to handle Mr. Beckert.

But I recommended that she -- we have no control over Mr. Beckert. Everybody knows we have no control over Mr. Beckert, and she knew we didn't because she was a witness to all the stuff that had been going on with Maria, because, obviously, Maria and Alicia work together. It's all finance. It's numbers. Maria collects the revenue, and Alicia accounts for it and all of that, so everybody -you know, everybody works hand in hand and closely on these issues.

And so yeah -- so yeah, so she and I talked many times about it.

Q Did you ever -- let me ask you this: What steps, if any, did Ashley Jacobs take to intervene on Ms. Holland's behalf?

A Like I said, Ms. Jacobs and I did not have a good relationship, and we didn't talk. I mean, I think the last time -- we just -- the last time we talked productively was probably early summer/late spring of 2019, so by the time that Page 52

1 Alicia was telling me of these issues, Ms. Jacobs 2 and I had a strained relationship. 3

Q What was the source of that?

A I really don't know. I mean, I can speculate, but there's no purpose in that.

Q You never learned why y'all -- why your relationship became strained?

A No, no.

Q So you're -- as we sit here, are you aware of anything that Ms. Jacobs did to -- with regard to Ms. Holland's situation with Jim Beckert?

A I don't know what she did or didn't do. Truly, I have no information.

Q In the accusations that Mr. Beckert would make with regard to Ms. Walls violating statutes, did you ever make a determination that she had violated state law?

A Oh, I don't -- I don't think I ever concluded that either one of them violated state law, certainly not intentionally violated state law. I can't sit here and say I remember telling Maria that I disagreed with her interpretation of the statute, but I can imagine that happened. I'm confident that I -- I don't have independent recollection of specific issues with Mr. Beckert,



Deposition of: **D. Paul Sommerville**

April 8, 2021

In the Matter of:

Holland, Aliciav. Beaufort County et al

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D. Paul Sommerville Holland, Aliciav. Beaufort County et al

April 8, 2021

	Holland, Aliciav. Be		
	Page 26	,	Page 28
1	THE VIDEOGRAPHER: We are back on	1	anyone else?
2	record. The time is 2:55 p.m.	2	A. I don't recall.
3	BY MR. CROSBY:	3	Q. It looks like Ashley Jacobs had sent it
4	Q. Mr. Sommerville, can you get the	4	to yourself and the other members of of council.
5	document that's marked as Exhibit 16?	5	A. That's what it appears to me. It
6	A. Yes.	6	appears that I received it and forwarded it to Alicia.
7	Q. Is that an e-mail from Alicia Holland	8	Q. And where she indicates in that first
8	to you?	9	line where she says that, "He," being Jim Beckert,
9	A. Yes.	10	"has harassed and bullied Maria, myself," Maria and
10	Q. Do you recall why she would have been	11	herself, you would agree that that's Jim
11	forwarding you her resignation letter at this point	12	Beckert's conduct was, toward Maria Walls and
12	in time?	13	Alicia Holland, was would be considered as
13	A. I'm sorry?		
14	Q. Do you recall why she would have	14	harassment and bullying in nature?
15	been I think she had already left the County's	15	A. Well, I never witnessed any of this firsthand, but this is the way Jim Beckert's
16	employment by this time. Do you know why she would	16	
17	have been forwarding you her resignation letter?	17 18	actions were characterized to me by Maria and Alicia.
18	A. I don't recall specifically, no.	19	
19	Q. Did y'all bump into each other or have		Q. All right. When they would talk to you about it, they would relay it in those terms, that
20	a conversation whereby that came up and later she	20 21	
21	sent you this?	22	he was a bully and that he was harassing them? A. Yes.
22	A. I recall have well, I had numerous	23	Q. Did you ever witness Jim Beckert
23	conversations with her since she left. I recall	24	exhibit that type of behavior to anyone?
24	one conversation that had to do with her	25	A. The only thing I recall seeing him do
25	resignation and I think I remember saying, "I have	2,5	
	Page 27		Page 29
1	never seen your resignation" so that may have	1	was he had a phone that he liked to carry out where
2	triggered it.	2	everybody could see it. At least that was my
3	Q. And she later forwarded that to you	3	impression. Maybe some people carry their phone
4	with her comments about her decision to leave?	4	anyway, maybe some people just walk around with it.
5	A. Yes, yes.	5	But I guess it was Maria or Alicia who said that
6	Q. And then Exhibit No. 17 looks like a	6	that he was recording them and as a as a method
7	reply to an e-mail received from you to Alicia	7	of harassing them.
8	Holland. Is that where she wrote back and said	8	Q. And you you had witnessed that
9	that, "Jim Beckert is a sick and dangerous	9	yourself?
10	individual. He has harassed and bullied Maria,	10	A. Well, I witnessed him witnessed him
11	myself, and Ebony that I am aware of. There may be	1	with a phone in his hand, but I don't know. I
12	others I'm not aware of. Jim is the primary reason	12	can't say what he was doing with it. I mean, I
13	I left my employment with Beaufort County."	13	Q. It appeared to you that he could have
14	Did you forward to Alicia Holland a	14	been recording?
15	copy of the lawsuit that was filed by Maria Walls?	15	A. He certainly could have been.
16	A. I may have. I don't I don't	16	MR. ANDERSON: Object to the form.
17	specifically recall. I I'm trying to think if I	17	BY MR. CROSBY:
18	had it. I'm pretty sure I had it.	18	Q. When he would walk around with it, he
19	Q. I mean, it has at the top of it, the	19	would have the camera side pointing out?
20	subject line in in that e-mail, the next e-mail	20	A. I don't recall.
21	down is from you to Alicia Holland and the subject	21	Q. On Exhibit 15, it references hiring an
22	is "Maria Walls versus Beaufort County."	22	outside firm to help determine if the millage had
23	A. I don't doubt that I did. I just don't	23	been calculated correctly. Do you recall that?
24	specifically recall it.	24	A. Yes.
25	Q. Do you know if you forwarded it to	25	Q. And that the cost was going to be

D. Paul Sommerville Holland, Aliciav. Beaufort County et al

April 8, 2021

	Holland, Aliciav. Be	Jaur	or county or ar
	Page 30		Page 32
1	around \$10,000?	1	denied access to the County administration
2	A. Yes, I do recall that.	2	building, did you learn that he was being granted
3	Q. And that that arose because of	3	access?
4	Mr. Beckert's claim that Alicia Holland had	4	A. Yes.
5	improperly calculated the millage?	5	Q. How did you learn that?
6	A. Correct. As I recall, he questioned	6	A. It was told to me by a staff member and
7	her methodology and demanded that the County do an	7	I'm not sure which one or ones it may have been.
8	audit or out bring in an outside auditor to	8	Q. And what was your take on that?
9	confirm his his belief which was different from	9	A. Well, I was surprised and I was
10	hers.	10	concerned.
11	Q. And the results of the outside	11	Q. What were you concerned about?
12	auditor's work confirmed that Ms. Holland was doing	12	A. My it was my understanding that he
13	her calculations correctly?	13	had been forbidden to come in the building.
14	A. That's my recollection, yes.	14	Q. And also forbidden to have any direct
15	Q. Exhibit No. 14 is a letter to Alan	15	contact with any County employees?
16	Wilson, the attorney general, in March 6, 2018. Do	16	MR. ANDERSON: Object to the form.
17	you recall a request about changing the form of	17	THE WITNESS: Yes.
18	government?	18	BY MR. CROSBY:
19	A. Yes.	19	Q. And that was something that you, as a
20	Q. And on the second page there is a, as	20	council member, thought was an appropriate action?
21	part of the request, there was a request of the	21	MR. ANDERSON: Objection.
22	attorney general as to whether or not if the	22	THE WITNESS: Absolutely. It was the
23	referendum was successful whether one of the	23	first thing that I can recall that had any teeth in
24	positions could be remain elected and one of	24	it. By that by that, what I mean is that we
25	them be appointed by the County. Do you recall	25	were we could actually do something to help
	Page 31		Page 33
1	that?	1	these people.
2	A. Yes.	2	BY MR. CROSBY:
3	Q. Why were you making that particular	3	Q. And to to help shield them from Jim
4	request?	4	Beckert's
5	A. This is signed by the assistant County	5	A. Yes.
6	attorney, Chris Inglese.	6	Q harassing behavior?
7	Q. You're copied on it, but	7	A. Yes.
8	A. Yes.	8	Q. And just just looking over time, his
9	Q there would have had to have been an	9	behavior over the last several years leading up to
10	approval from for him to send that request, it	10	this decision to restrict his access, it had
11	was at the request of either council or yourself as	11	been what you were hearing had been pretty much
12	chairman?	12	the same, the way he was harassing and bullying
13	A. Oh, yeah, I don't specifically remember	13	different people?
14	the conversations that led up to it, but I remember	14	A. Yes, but as time went on yes, yes.
15	we talked about it a lot. I say "we." I mean the	15	Q. As time went on, did it escalate?
16	administrator and I talked about it. The vice	16	A. I was about to say that as time went on
17	chairman and I talked about it. Some of the	17	there were more and more people involved in those
18	council members talked about it.	18	conversations.
19	Q. Is that something that's still under	19	Q. And his behavior had been pervasive
20	review?	20	throughout that time and even getting worse?
21	A. Yes.	21	MR. ANDERSON: Object to the form.
22	Q. Was was there ever a response to	22	THE WITNESS: That's an opinion.
23	this letter from the attorney general?	23	Perhaps.
24	A. I don't know. I don't recall.	24	BY MR. CROSBY:
25	Q. At some point after Jim Beckert was	25	Q. Well, just the complaints that you

Ex. 3

Beaufort County Adopts Testimony:
Topic 15: The Relationship Between County Council
Members and Beckert

In the Matter of:

ALICIA HOLLAND

VS.

BEAUFORT COUNTY, ET AL

JOHN HERVOCHON

September 27, 2021



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JOHN HERVOCHON - 9/27/2021

	Page 9		Page 10
1	MR. CROSBY: You said the next one would	1	Why would he why is he forwarding that to you?
2	be 27?	2	A I don't recall specifically.
3	(Exhibit 27, 10/22/19 Email to	3	Q Do you have an understanding of why
4	Hervochon from Caporale, was marked for	4	Mr. Caporale would be drafting a press release for
5	identification.)	5	Mr. Beckert?
6	BY MR. CROSBY:	6	A No, I don't. I know that Rick and Jim
7	Q If you'd just take the one with the	7	had some sort of relationship when Rick was on
8	yellow sticker and then pass the other two to	8	counsel, but beyond that, I don't know why he would
9	Mr. Buyck.	9	do that.
10	Who is Rick is it Caporale?	10	Q Did you have a conversation with
11	A Caporale.	11	Mr. Caporale about the press release that was he
12	Q Caporale.	12	had drafted?
13	A He was my predecessor on county council.	13	A I don't recall.
14	Q You took his place?	14	Q You are familiar with the I guess
15	A Yes, sir.	15	controversy or discussion surrounding the contents
16	Q This is an email from Mr. Caporale to you	16	of the press release?
17	attaching a piece that he had written for who he	17	A Correct.
18	refers to there as the Duke of Dyslexia. That's	18	Q Is that the matter that ended up with the
19	Mr. Beckert?	19	independent auditing firm coming in and looking
20	A Presumably.	20	into the matter?
21	Q Is that something that you the manner	21	A Can you specify the question?
22	in which you refer to Mr. Beckert?	22	Q Do you recall in some of these financial
23	A No, sir.	23	discussions an issue that arose between Mr. Beckert
24	Q And here he's indicating to you that this	24	and Alicia Holland regarding some of the
25	is a press release that he wrote for Mr. Beckert.	25	calculations?
	Page 11		Page 12
1		1	Page 12 his emails?
1 2	A Which calculations are you referring to?	1 2	
	A Which calculations are you referring to? Q Well, I'm referring to the ones that are	1	his emails?
2	A Which calculations are you referring to?	2	his emails? A Edit emails?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A Which calculations are you referring to? Q Well,,I'm referring to the ones that are in this memo. A And can you repeat the question, please? Q Do you recall when this controversy arose? A I do. This is in reference to the rollback millage, if I'm not mistaken. Q Do you know what kind of relationship Mr. Caporale and Mr. Beckert had such that he would be writing public press releases? A No, I do not. Q Did you question that at the time? A His relationship? Q Yeah, and why he would be drafting a press release. A I don't recall. Q And you developed a relationship with Mr. Beckert whereby you would help him draft documents, correct? A I don't recall ever helping draft documents. I recall asking for information to be	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	his emails? A Edit emails? Q Yes, some of the information that he was sending out. A I don't recall that, no. (Exhibit 28, Email Chain Ending in a 6/22/20 Email to Beckert from Hervochon, was marked for identification.) BY MR. CROSBY: Q And here's where Mr. Beckert was to present to the Beaufort County School District, and he sent you a draft of his presentation, asked for your input? A Uh-huh, yes, sir. Q Do you remember that? A Not specifically, no, sir. Q Why would Mr. Beckert be requesting your input into his presentation? A I had told him several times that he needed to present information to public bodies more clearly, and I'm presuming that this was the genesis of one of those conversations.

3 (Pages 9 to 12)

JOHN HERVOCHON - 9/27/2021

	Page 17		Page 18
1	Q Did you make any of the edits to this	1	paragraphs were changed. The formatting was
2	document on Mr. Beckert's behalf?	2	changed somewhat there. Did you help him do that?
3	A Not that I can recall.	3	A I don't recall. If I did, the exhibit
4	Q I'm just curious to why he'd be sending	4	would be in your possession because I provided
5	it to you before it went out.	5	everything that I sent to him.
6	A Is that a question?	6	Q Well, do you know if Exhibit 31 is a
7	Q Yes. I mean, I'm curious. Do you know	7	version that you a version that you edited?
8	why have any idea why he'd be sending it to you?	8	A I don't know that I did edit it.
9	A We had talked about the particular issue	9	Q Did you have some understanding with
10	a number of times.	10	Mr. Beckert with regard to these issues that
11	Q But you were going to get a copy of it	11	where you needed to approve what he was sending out
12	before because you were copied on Exhibit 31,	12	before he sent it out?
13	correct?	13	A No, absolutely not.
14	A Presumably.	14	Q Do you know whether the numbers that are
15	Q Yes. And I'm trying to gain an	15	contained in Exhibit 31, as stated by Mr. Beckert,
16	understanding as to why Mr. Beckert, an hour before	16	were indeed accurate?
17	this document was sent out to full council, would	17	A I don't recall at the time.
18	run it by you.	18	Q Do you recall today whether you and
19	A I can't speak for Mr. Beckert.	19	Mr. Beckert have any kind of relationship such that
20	Q Well, did you do anything with it when he	20	he runs certain issues by you?
21	sent it to you?	21	A Currently?
22	A I don't recall. It's entirely possible	22	Q Yes.
23	that I didn't even see it until I got the second	23	A I haven't talked to Mr. Beckert in
24	iteration of it.	24	probably a year and a half.
25	Q Well, somebody made some changes. The	25	Q Have you ever had any relationship or
	Page 19		Page 20
1			
	agreement with Mr. Beckert whereby you were he	1	these came from?
2	agreement with Mr. Beckert whereby you were he was running certain issues by you before he went	1 2	these came from? MR. CROSBY: Well, that's stuff y'all
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2	was running certain issues by you before he went	2	MR. CROSBY: Well, that's stuff y'all
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2 3 4 5 6	was running certain issues by you before he went public with him? A Agreement, no. Q Understanding? A Understanding, I would say no. I don't	2 3 4 5 6	MR. CROSBY: Well, that's stuff y'all produced. I don't know. MR. BUYCK: Okay. This came from MR. CROSBY: I wouldn't have had access to it anywhere else. Chelci will be here
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5 (Pages 17 to 20)



Deposition of:

Gary T. Kubic

April 7, 2021

In the Matter of:

Holland, Aliciav. Beaufort County et al

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	Holland, Aliciav. Be	eau	fort County et al
	Page 26		Page 28
1	concerned, was exemplary. Her level of experience	1	I'm not sure.
	and knowledge, quite frankly, were far superior	2	My orders to my staff were that if you
	than Mr. Beckert or a lot of others who were	3	mention anybody in an e-mail about anything,
	involved.		positive or negative, that you cc a courtesy copy
5	Her level of responsibility was was	5	to the person who you mention in the e-mail, just
6	great in terms of what was necessary to provide	6	for proper form, and so that no one would accuse
	information financial information to council.	7	anyone in my staff of going behind their back and
8	And so I took offense to the fact that	8	trying to create or disrupt a relationship between
9	he would as well as he did this to me go	9	me or my staff or me and council or me and another
10	behind our backs and directly, either through	10	elected official.
11	e-mail or conversations, discuss his viewpoints	11	BY MR. CROSBY:
	regarding my performance and Alicia's performance	12	Q. Just to be clear, throughout your time
13	with my bosses who were county council members.		at as county administrator during Mr. Beckert's
14	And on a few occasions, the chairman of	14	tenure, that sending e-mails to council making
15	county council would call me and say, hey, have you	15	accusations about you or your staff was something
16	read these e-mails that Mr. Beckert is writing	16	that occurred regularly, correct?
17	about you?	17	MR. J. ANDERSON: Object to the form.
18		18	THE WITNESS: I I'll say I'll say
19	e-mails and not copying me to council members,		yes with a caveat. I don't know what what
	which I found quite odd because if a council		how the frequency of what you consider regularly.
	member's going to get a complaint about Gary Kubic,		But as a matter of form, I think that was his a
	and they get it in writing or verbally from		standard method of operation for Mr. Beckert, and I
	someone, what's a councilman going to do, he's		don't know how frequently he used it because you
	going to pick up the phone or come into my office		know, if he sent it to council without my knowing,
25	and say, hey, what's going on? And that was	25	I have no idea how many times it occurred.
	Page 27		Page 29
	that that upset me quite a bit.	1	BY MR. CROSBY:
2	BY MR. CROSBY:		
		2	Q. And he accused you of violating laws
3	Q. The proper chain of command would have	3	and policies on a number of occasions?
4	Q. The proper chain of command would have been to if he was complaining about Alicia	3 4	and policies on a number of occasions? A. Yes.
5	Q. The proper chain of command would have been to if he was complaining about Alicia Holland, would have been to	3 4 5	and policies on a number of occasions? A. Yes. MR. J. ANDERSON: Object to the form.
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Г	Page 54		Page 56			
1	his obsession with control and authority has to	l				
	obviously affect office morale and performance in	2	Ms. Walls raised to council, were there ever any			
	many departments, and says: I know you're very		solutions proposed by council on how to alleviate			
	concerned.		these concerns that she had raised to you?			
5	Was she correct that you were concerned	5	A. It was my impression that council felt			
	about Mr. Beckert's affect on the morale and	6	that having them both present at their committee			
11	performance of the various county departments that		meetings or allowing each of them separately or			
	were under your control?		collectively to address council from the podium			
9	A. Yes.		about their concerns on a matter in dispute, which			
10	Q. And that goes back to what you talked		they permitted.			
	about earlier?	11	I do believe that I advised			
12		12	Mr. Sommerville and Mr. Stewart of my concerns			
	of my staff members, Dave Thomas in purchasing,		regarding the inability of both parties to resolve			
	Alicia, Maria Walls. You know, it it's		their differences so that there could be a			
	without question that Mr. Beckert was a disruptive		collective positive outcome in the responsibilities			
	force generally.		of each at the department, because what's unique			
17			about these two departments is they're independent,			
	other concerns she had with Mr. Beckert's behavior		but their product is is a combination of			
	toward her other than the staring through her		of of both efforts.			
	window?	20	And then the third component is the IT,			
21	A. Yes. Maria on several occasions told		which is the software processing to actually create			
	me that she was afraid. She also shared with me a		the tax rolls which then go towards the final			
	notebook of various things that Mr. Beckert was		product in printing the bills.			
	doing in terms of affecting her department, tape	24	So, yeah, they were aware, and I think			
	recording her. And she gave me a copy of that		the heightened awareness of it was the tax bills.			
		20	the neighboried awareness of it was the tax offis.			
23		23				
	Page 55		Page 57			
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1 2	Page 55 notebook I think with the hope that I would be able to somehow correct the situation. The problem for	1 2	Page 57 I mean, there were disputes on language, there were disputes on timeliness. And I wasn't the only one			
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A. I'm not sure. I'm certain that

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25 difficult for them to cooperate with each other.

Holland, Aliciav. Beaufort County et al					
Page 82 1 recorded that way. In today's modern world with 2 technology, it's so easy to have the controls in 3 place to do it with one system instead of two. 4 Several councilmen felt that that would 5 not be approved by the merger would be approved 6 by the electorate, which was necessary, but it was 7 discussed in in depth at the time. And it arose 8 in several occasions with those two units of 9 government. 10 Q. During your tenure, there was no action 11 taken on on that? 12 A. I don't think we ever proposed it to be 13 a consideration. I think I'll have to go 14 back I don't believe was there a vote? I'm 15 not sure. You can't help me, can you? 16 Q. He can't. 17 MR. KEAVENY: I can't. 18 THE WITNESS: I can't remember. Maybe 19 there was rejected by council. I can't I 20 can't recall. I think there was also some concern 21 by council at the time that we had referendums on	Page 84 1 Councilman Flewelling and I believe he had 2 mentioned that. And I think Councilman Howard 3 mentioned that she was a neighbor, lived close to 4 Mr. Beckert. Those two come to mind readily. 5 I'm not sure about anybody else. I'm 6 running I'm trying to run through who the other 7 councilmen were. 8 I think Sommerville was relatively 9 independent. Stewart was independent. It was just 10 basically, I think, Councilman Flewelling, maybe 11 Councilman Covert toward the end of my 12 administration. 13 Q. Would Councilman Flewelling in your 14 observations take Jim's side in some of these 15 disputes? 16 MR. BUYCK: Note my objection. 17 MR. J. ANDERSON: Object to the form. 18 THE WITNESS: You know, Councilman 19 Flewelling in my opinion is a very good elected 20 official in the sense that he chooses his words 21 very carefully. So I don't think he ever overtly				
22 sales tax and other issues that they felt had 23 more pressing issues for the sales tax to go 24 forward than changing the form of government. I 25 think they felt it was too difficult, didn't want	22 said you got to take Jim Beckert's side. I think 23 he would be more expressed I think he 24 expressed, hey, let's take another second look at 25 his concerns and see if there would be an ability				
Page 83 1 to give me too much control. 2 BY MR. CROSBY: 3 Q. But it was your thought during that	Page 85 1 to incorporate either a portion or all of his 2 objections into a process or procedure. 3 MR. CROSBY: Why don't we take just a				
4 time that the those offices would be merged and 5 would there would become a county employee or 6 would just those two offices merge and be 7 A. I think the	4 few minutes break. I'm about probably about 5 done. I need to take care of piece of personal 6 or other legal business real quick. 7 THE WITNESS: Okay. I got to get my 8 dog out of the cage.				
8 MR. BUYCK: Note my objection. 9 BY MR. CROSBY: 10 Q one one elected office. 11 MR. J. ANDERSON: Same objection. 12 THE WITNESS: I think I think it	9 THE VIDEOGRAPHER: We are going off 10 record. This is the end of media unit one. The 11 time is 3:24 p.m. 12 (A recess transpired.)				
13 would go under the control of the county 14 administrator as a unit of government. And quite 15 frankly today, I still agree that for efficiency 16 purposes and accountability and ease of operation, 17 that's the way to go.	13 THE VIDEOGRAPHER: We are back on 14 record. This is the beginning of media unit two. 15 The time is 3:43 p.m. 16 (PLF. EXHIBIT 8, E-mail Chain with the 17 Top Line E-mail From Joshua Gruber Dated 5/21/14, 18 was marked for identification.)				
18 BY MR. CROSBY: 19 Q. Were there any particular members of 20 county council during your tenure that would 21 that were close to Jim Beckert, just based on your 22 observations? 23 A. Well, everyone knew that Jim Beckert	19 BY MR. CROSBY: 20 Q. Mr. Kubic, you get the opportunity to 21 look over 22 A. Yes. 23 Q Exhibit 8?				
24 was the finance chairman for Brian Flewelling, and	Do you have an independent recollection of of that, the contents of Exhibit 8?				

22 (Pages 82 - 85)

Ex. 3
Beaufort County Adopts Testimony:
Topic 16: All Litigation Involving the County and
Beckert

ALICIA HOLLAND vs BEAUFORT COUNTY 9:20-cv-03479-DCN-MHC - ERIC GREENWAY

1 UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA BEAUFORT DIVISION 2 3 4 5 ALICIA HOLLAND, Plaintiff, 6 7 8 9 CASE NUMBER vs. 9:20-cv-03479-DCN-MHC 10 11 12 13 BEAUFORT COUNTY and JAMES BECKERT, Individually, and in his Official Capacity, 14 Defendants. 15 ____/ 16 The videotaped deposition of ERIC 17 GREENWAY, a witness in the above-entitled cause, 18 taken pursuant to Notice and agreement, before 19 Ceil Weser, Certified Court Reporter and Notary 20 Public, before Robert Claxton, videographer, at 21 the Offices of Beaufort County Administration 22 Building, 100 Ribaut Road, Suite 170, Beaufort, 23 South Carolina, on the 12th day of April, 2022, 24 commencing at or about the hour of 8:14 a.m. 25



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ALICIA HOLLAND vs BEAUFORT COUNTY 9:20-cv-03479-DCN-MHC - ERIC GREENWAY

30 - 33Page 31

		Page 30
1	Q	But you didn't see the headlines
2	yours	self, is that what you are saying?
3	Ā	I don't see the headlines.

I don't see the headlines. Α

So prior to you coming in --Q

So let me make sure you understand Α something. I don't read the newspaper. I don't watch the news. I listen to the news on the radio in my car.

I get a summary every day from the Public Information Officer here highlighting the news of notes for the area. I look at that summary.

I very seldom sit down and read an 14 entire article in a newspaper because that 15 information if in my role that information generally is unproductive to me being effective as a County Administrator; because it is all 18 about selling articles and getting clicks on the 19 internet, so if that makes sense to you.

It does make sense.

Now, did you get that summary as 22 Planning Director?

A I did not get that summary as Planning 24 Director because it was not done prior to me 25 hiring the current Public Information Officer,

Mr. Chris Ophardt. 1

Q So you created that? 2

Α (Nods).

Q Did you create that role or did you 4 5 just hire someone to fill that role?

A I hired someone to fill that role. So 6 7 Ashley Jacobs had a Public Information Officer, 8 but I didn't get a summary or news from her. It 9 was a different situation then.

Q So what led you to you getting that summary, was that part of their job description 11 or was that something you requested? 12

A No, Ophardt did that on his own and 14 sent that out to me and various other people. It is a very good thing that he does. It is about hiring talented people to help you administer the duties of the County. And he is 17 a talented individual who does that summary. 18

I didn't give him any direction or didn't request any summary or anything.

20 21 Q So whenever you took on the role as County Administrator, whether that was acting, interim, permanent, were you ever briefed on 24 these lawsuits and/or Beaufort County lawsuits 25 against Mr. Beckert?

Page 32

A I was not briefed on any of the

lawsuits to my knowledge until Mr. Buyck and I 2

3 had --

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Q I want to stop you because I am sure he 4 5 is about to start talking. To the extent that you are about to tell me conversations that you

7 had with him --

A I won't tell you any conversations. I 8

know better than that. 9

Q Just making sure. 10 11

That was the first time I was briefed 12 on a lawsuit is when he and I had the discussion about this deposition coming up, because I was really confused as to why you all wanted to depose me.

Q Okav.

17 So what was your knowledge about the 18 lawsuits prior to your conversation with Mr. 19 Buvck?

20 A That they were in process. And that 21 people were being deposed as a part of them.

Q What about the subject matter of the 23 lawsuits? Did you just think that they were 24 arguing over tax money or did you think that it

25 was about harassment? What was your knowledge

Page 33 of the lawsuits prior to your conversation with 1 2 Mr. Buyck?

3 MR. JOHN ANDERSON: Objection. THE WITNESS: I knew what the 4

5 nature of the lawsuits were about.

6 BY MS. AVANT:

Q How did you know that?

Because again I heard people talking 8 A 9 about them.

May have glanced at a headline in the 10 paper about them. 11

Q And what about the County's lawsuits against Mr. Beckert, what is your knowledge of those?

A I am a little more familiar with those because I am deeply involved in those.

Q You want to explain to me what they are about.

A Well, we are -- we have a lawsuit right now about him performing -- compelling him to perform the duties of his office as an Auditor. And that involves several things that we feel

22 that he has not done properly as Auditor and has 23

24 failed to do as Auditor. 25

Do you --



In the Matter of:

ALICIA HOLLAND

VS.

BEAUFORT COUNTY, ET AL

Thomas J. Keaveny, II

September 27, 2021



www.spectrum court reporting.com

P.O. Box 1296 Mt. Pleasant, SC 29465 843-849-0133 Spectrumaaa@gmail.com

Thomas J. Keaveny, II - 9/27/2021

	Page 57		Page 58
1	authorized the county government, whether it was	1	he shouldn't do.
2	council or the administration or both, to ban him	2	Q Were those by way of writs of mandamus?
3	from the administration building, and we told him	3	A That's what yeah. One of the
4	no, we weren't going to do that.	4	causes the first lawsuit against Mr. Beckert
5	You know, he has a lawyer named Jim Brown	5	we've asked for a writ of mandamus. That's a writ
6	who represents him in a lawsuit that the county had	6	from the court requiring him to do something and/or
7	to file against him to make him do certain things,	7	to enjoin him from doing something, and maybe
8	and, you know, Mr. Brown may have raised it. I	8	there's maybe a declaratory judgment action in
9	mean, I kind of have this real fuzzy idea in the	9	that in that lawsuit as well.
10	back of my head that he might have, and I kind of	10	Q And what was the second one was
11	think that we had to go through that with our	11	similar?
12	lawyers. We have some lawyers in Charleston, Dawes	12	A The second one is similar. So the first
13	Cooke and John Fletcher, who represent us, and I	13	one was asking the court to require him to use a
14	think they had some conversation about it.	14	certain debt service millage that was different
15	Q How many lawsuits has the county filed	15	than the one he wanted to use. That was the
16	against Mr. Beckert?	16	purpose of the first lawsuit.
17	A Two now.	17	The second lawsuit is really a lawsuit to
18	Q And remind me what the substance of those	18	ask the court to require him to do several things
19	were. What was being sought in those lawsuits by	19	that he does not do that we believe he should do or
20	the county?	20	to ask the court to enjoin him from doing things
21	A In both cases, the county is trying to	21	that he does that we don't think he should do.
22	ask a court the county is asking a court to	22	Q And have those lawsuits been resolved?
23	require Mr. Beckert to do certain things that the	23	A They have not.
1) /		2.4	O Did the did the filing of these
24	county believes state statutes require him to do	24	Q Did they did the filing of those
25	that he is not doing or does not do or does do that	25	lawsuits result in Mr. Beckert doing what he was
25	that he is not doing or does not do or does do that Page 59		lawsuits result in Mr. Beckert doing what he was
25	that he is not doing or does not do or does do that Page 59 supposed to do?	25	lawsuits result in Mr. Beckert doing what he was Page 60
25	that he is not doing or does not do or does do that Page 59	25	lawsuits result in Mr. Beckert doing what he was Page 60 the court to require him to do both.
25 1 2	that he is not doing or does not do or does do that Page 59 supposed to do? MR. ANDERSON: Objection.	25 1 2	Page 60 the court to require him to do both. He actually put the he didn't in
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15 (Pages 57 to 60)

Thomas J. Keaveny, II - 9/27/2021

	Page 61		Page 62
1	I can try to try to remember some of it. But	1	an answer this month, earlier this month.
2	there were several things on the second lawsuit to	2	Q Was there ever any consideration of
3	make him to ask the court to require him to do.	3	filing a similar-type lawsuit against Mr. Beckert
4	One is to maintain an abatement book of taxes that	4	with regard to his behavior toward county employees
5	are abated, and that's necessary so that bond	5	or Ms. Walls?
6	rating agencies and others know what property	6	MR. ANDERSON: Objection.
7	what property that could generate tax revenue is	7	THE WITNESS: I don't remember having any
8	not generating tax revenue due to agreements	8	conversations about with county council or
9	pursuant to state statute. So that's the abatement	9	with the administrator about county government
10	book.	10	taking an action, a lawsuit against
11	There was an issue with him getting	11	Mr. Beckert, no.
12	involved in determination or adjudications about	12	BY MR. CROSBY:
13	the applicability of 4 percent versus 6 percent	13	Q Subject to the questions about the
14	assessment ratios on property, which falls within	14	grievances, I'm going to pass you to Mr. Anderson
15	the purview solely of Ebony Sanders and the Board	15	and see if he has any questions.
16	of Adjustments and Appeals, so to have him stay out	16	MR. ANDERSON: I can't hear you. My
17	of that, because he intervened in one case and	17	apologies.
18	adjudicated himself when he shouldn't have done it.	18	MR. CROSBY: Do you have any questions?
19	And there are a couple of other things	19	I was going to pass the witness.
20	that we've asked the court to require him to do. I	20	MR. ANDERSON: Yeah, I do, but can I get
21	just can't remember off the top of my head.	21	five minutes? Unless
22	O And that one hasn't resulted in an order	22	MR, CROSBY: No. Go ahead.
23	vet?	23	MR. ANDERSON: Mind if I have five
24	A It has not. There have been no orders	24	minutes?
2 -			
25	issued in that case. I think his lawyer just filed	25	MR. CROSBY: Sure.
25	issued in that case. I think his lawyer just filed Page 63	25	MR. CROSBY: Sure.
	Page 63		Page 64
1	Page 63 MR. ANDERSON: Thank you.	1	Page 64 relating to the duties between the auditor and the
1 2	Page 63 MR. ANDERSON: Thank you. THE VIDEOGRAPHER: Off the record at	1 2	Page 64 relating to the duties between the auditor and the treasurer be resolved by the Beaufort County
1 2 3	Page 63 MR. ANDERSON: Thank you. THE VIDEOGRAPHER: Off the record at 11:49.	1	Page 64 relating to the duties between the auditor and the treasurer be resolved by the Beaufort County attorney.
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16 (Pages 61 to 64)

Ex. 3

Beaufort County Adopts Testimony:
Topic 17: Control Over County Real and Personal
Property and the Identity of the Person Charged with the
Responsibility of Ensuring Said Property is Used in
Accordance with Applicable Policies and Procedures



Deposition of: Robert Bechtold

April 8, 2021

In the Matter of:

Holland, Aliciav. Beaufort County et al

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	Holland, Aliciav. Bo	eauf	fort County et al
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1	that falls under my charge also had a complaint.	1	Q. Do you recall what month it was in?
2	Q. And who was that?	2	A. I believe it was in the Fall. I mean,
3	A. That was our I'm sorry, I don't know	3	really, I believe it was sometime in the Fall.
4	why I'm drawing a blank right now. If I could just	4	Q. When you met with Ash I mean, with
5	have a second. That was our assessor.	5	Jim Beckert about moving his office, tell me about
6	Q. Ebony Sanders?	6	any conversations you had with him, other than him
7	A. Ebony Sanders.	7	asking you to do it outside of operational hours.
8	Q. What did you learn about Ebony Sanders'	8	A. I mean, it it was insignificant, so
	issues with Jim Beckert?	9	I mean, nothing specific. That was the only
9	A. That she filed again, I'm really not	10	request that he made that that stuck out to me
10		11	because I had gone over there to coordinate that
11	certain, other than that she filed a complaint	12	with him and so
12	against it against him. I don't know how it was	13	Q. And did he ask you why he was being
13	done or other than I believe I'm really not		asked to move?
14	certain. I read it in something and before, and	14	A. I have I mean, I have no idea. This
15	this would have been after, you know, I was	15	
16	directed to help move the office and everything. I	16	is a, again, 46 departments in my daily activities,
17	don't remember if it was the paper or if it was	17	I don't know that it's possible for me to retain
18	but I didn't know prior to that.	18	that, so I don't specifically know.
19	Q. Did you have any involvement in	19	Q. Did he seem to object to having to move
20	investigating the complaint filed by Ebony Sanders?	20	offices?
21	A. No.	21	A. He did. In fact, I mean, ultimately,
22	Q. Did you ever attend any meetings or	22	he did. So, I don't remember. I mean, again, I
23	accompany Ashley Jacobs to any meetings between her	23	don't know really the context of the conversation.
24	and Jim Beckert?	24	I was there to execute something, you know, a
25	A. No. I don't no, I don't believe I	25	directive and so I went, communicated what I needed
	Page 11		Page 13
1	have ever been in the same room. I don't I	1	to communicate to him, let him know where it was
2	don't think so, no.	2	going to be. He requested that I do it after
3	Q. At some point in time you were involved	3	hours, so I facilitated that.
4	in moving the the auditor the auditor's	4	Q. And that's that's all I'm asking.
5	office?	5	You only know what you know.
6	A. I was.	6	A. Right.
7	Q. Tell me about that.	7	Q. And I don't know it until you answer
8	A. I Ashley, I believe it was verbally	8	the question.
9	or otherwise, she asked me to find a place for him	9	A. Uh-huh.
10	outside of the main administrative building and I	10	Q. So don't, you know, feel offended by
11	don't know if it was my decision or hers	11	me.
12	ultimately, but I found a place down there at	12	A. Oh, I'm not at all. I'm trying to
13	records management. And I went over to see	13	recollect things that I can't and that's
14	Mr. Beckert and let him know that we found an	14	frustrating.
15	alternate location for him. And he he had	15	Q. Some people have good memories and some
16	requested that if it were done, if he could have it	16	people don't.
17	done outside of normal operational hours. And I	17	You what you're telling me is that
18	said sure. And then I had a crew come over and	18	when you went to move him, Mr. Beckert did not put
19	help move all of the stuff down to the records	19	up any type of opposition, his only request was to
20	management building to the ultimate location.	20	do it after hours?
21	Q. When was that?	21	A. Yeah, I mean, that was his request.
22	A. I don't know the date.	22	Q. And he complied with the move?
23	Q. It was sometime before Ashley Jacobs	23	A. He did.
24	left the County's employment, obviously?	24	Q. Now, sometime later I believe you
		25	word haseman point of contact for Mr. Reckert?

25 were -- became a point of contact for Mr. Beckert?

A. Yes.

25

ALICIA HOLLAND vs BEAUFORT COUNTY 9:20-cv-03479-DCN-MHC - ERIC GREENWAY

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UNITED STATES DISTRICT COURT
1
             FOR THE DISTRICT OF SOUTH CAROLINA
                     BEAUFORT DIVISION
 2
 3
 4
 5
    ALICIA HOLLAND,
6
       Plaintiff,
 7
 8
 9
                                      CASE NUMBER
     vs.
                                9:20-cv-03479-DCN-MHC
10
11
12
13
     BEAUFORT COUNTY and JAMES BECKERT,
     Individually, and in his Official Capacity,
14
       Defendants.
15
     ____/
16
              The videotaped deposition of ERIC
17
     GREENWAY, a witness in the above-entitled cause,
18
     taken pursuant to Notice and agreement, before
19
     Ceil Weser, Certified Court Reporter and Notary
20
     Public, before Robert Claxton, videographer, at
21
     the Offices of Beaufort County Administration
22
     Building, 100 Ribaut Road, Suite 170, Beaufort,
23
     South Carolina, on the 12th day of April, 2022,
24
     commencing at or about the hour of 8:14 a.m.
25
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ALICIA HOLLAND vs BEAUFORT COUNTY 9:20-cv-03479-DCN-MHC - ERIC GREENWAY

10 - 13

1 A I have a da	ughter.
-----------------	---------

- 2 And how old is your daughter?
- 3 She will be 21 at the end of June. Α
- Q Does she live in Beaufort County? 4
- 5 A No, she does not.
- 6 Q What county does she live in?
- She lives with my ex-wife. 7 Α
- 8 Q So walk me through this because I am
- fairly ignorant when it comes to this process, 9
- 10 how did you get put in the running for County Administrator? Did you apply for it? Were you
- 12 approached about it? How did that work out?
- A I was approached to be acting County 13
- 14 Administrator by the County Council, shortly
- 15 around the time that they were deciding to
- depart ways with the then County Administrator.
- Q Which would have been Ashley Jacobs, is 17 18 that right?
- 19 A Yes.
- 20 Q Who approached you?
- The Chairman of the County Council. 21
- 22 Q And tell me a little bit about that
- 23 conversation.
- A The conversation went something along 24
- 25 the lines of hey, we need somebody to step in

Page 11

- 1 the role to be acting County Administrator, and
- 2 while we are looking for an interim County
- 3 Administrator would you fulfill that role for us
- because a few people have suggested that you
- would be able to step into the role and fulfill 5
- those duties while we are looking for an 6
- 7 interim.

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Q And was just your performance as acting County Administrator what gave you the push to be the interim, or did you put in for that? How 11 does that work?

A I did not put in for any of the positions.

14 When I became acting they started looking for an interim. I don't think they were 15 successful for an interim. I wasn't a part of that process. I was doing my duty as acting 17 County Administrator while they were looking for 19 an interim.

They came back to me after several weeks and said hey, we have been unsuccessful in finding an interim. Would you be willing to assume those duties while we are looking for a permanent County Administrator?

Q And then when it comes to --

Page 12

Why don't you do this, tell me about 2 your duties as County Administrator?

3 A My duties as County Administrator are pretty simple overall. That is to administer the administration sections of the County for 5 6 as -- as far as budget.

Taking care of employees' needs through HR. Overseeing the various department heads.

- There is about 48 department heads that are
- underneath the purview of the County 10
- 11 Administrator.
- Q And of those department heads, does any 12
- 13 of your purview include the Treasurer or
- 14 Auditor's Office?
- A They are not. 15
- Q So how do you work in conjunction with 16 17 them?

7

- A The County Administration provides some 18 benefit support with regards to HR functions and
- 20 things like that.
- 21 But beyond that I have no authority or
- 22 duty over the Treasurer or the Auditor.
- 23 Q Does the County provide them office 24 space?
- 25 A We provide office space in the

Page 13 administration building here and in Myrtle Park

in Bluffton. Q Does the County provide them office 3

supplies, such as postage, paper, their 4 computers, their Email addresses, is all that

6 provided by the county?

7 A The County provides them certain assets, but we don't provide them paper or 8 9 anything like that. We provide IT, we provide 10 IT support.

11 Q So where do they get their office 12 supplies from? 13

A I have no idea.

Q What about postage, do they use the 14 15 county postage room?

A I am sure they use our Mall room, yeah.

- 17 Q Do they have a division on the county's 18 website?
 - Α Say that again.
- 20 Q Do they have a -- a division may not 21
 - have been the best word. Let me rephrase this. Do they have a portion of the county
- 22 website designated to their office? 23
- 24 A They have a web page on the County
- website, if that is what you are asking, yes.



Ebony Sanders - 9/28/2021

	Page 9		Page 10
1	Q All right. And do you recall what it was	1	that matter accordingly.
2	about?	2	Q So beyond intimidation of you, he would
3	A Not clearly what it was about, but I know	3	also intimidate your staff?
4	it was about a form it was about taxation. I	4	A That is correct.
5	can tell you that much from what I can recollect.	5	Q What about an example of how he might
6	Q And when when you say conflict, can you	6	bully you?
7	help me understand what your definition of conflict	7	A He's bullied me personally in my office
8	with him would be?	8	face-to-face, as well as in verbal as in written
9	A My definition of conflict with on	9	communication that we have received. So we've had
10	the when you're defining the word conflict, it's	10	those instances as well.
11	not only it's not consideration of a	11	Q Can you be more specific about what
12	disagreement. We have disagreements with people.	12	what that would look like when he would bully you?
13	That's not what I'm looking at. Conflict to me	13	A Yes. Accusations of things that are not
14	would be intimidation, retaliation, bullying. Those	14	true. Accusations against my staff that are not
15	are the type of things that conflict in my	15	true and the department that is not true.
16	definition would be for Jim Beckert with Jim	16	Q You're not a political figure, are you?
17	Beckert.	17	A That is correct.
18	Q Can you give us some examples of times	18	Q So those weren't political differences
19	when or how Mr Mr. Beckert would intimidate	19	between that Mr. Beckert was trying to hash out?
20	you?	20	A That is correct.
21	A Yes.	21	Q What I'm understanding is that he would
22	O Can you please do that?	22	come in and just falsely accuse you and your staff
23	A There's been occasions when he's come to	23	of not doing your jobs properly?
24	my office, and he's been he's intimidated me on	24	MR. ANDERSON: Object to the form. You
25	one or two occasions, my staff, and I had to address	25	can go ahead.
	Page 11		Page 12
1	A I'm one more time can you ask the	1	answer.
2	question? I got distracted when he objected. But	2	A I just need a minute.
3	one more time can you ask the question?	3	Q Ma'am?
4	BY MR. CROSBY:	4	A I just need a minute.
5	Q Well, with some of the the behaviors	5	MR. CROSBY: Okay.
6	that Mr. Beckert would exhibit toward you and your	6	MR. BUYCK: And what we're going to do is
7	staff, would he falsely accuse you of not doing your	7	we're going to pass these around. If you'll
8	jobs properly?	8	hand me that exhibit. You're going to keep the
9	A That is correct. Yes. He has.	9	one with the yellow, and we're going to keep a
10	Q Can you be more specific? Can you give us	10	circle going around. I'm going to take one,
11	some specific examples?	11	and I'm going to pass one to Mr. Anderson.
12	A He you know, he has accused me of - he	12	MR. CROSBY: Thank you, Tom.
13	has accused me of falsely accused me of treating	13	MR. ANDERSON: You want to explain
14	him being a racist. He has accused me of not	14	objections?
15	having the ability to do my job. He has come to my	15	MR. CROSBY: I thought I did it.
	office and bullied my staff, one particular	16	BY MR. CROSBY:
16		1 7 7	Q But, again, there may be a time when they
17	gentleman who has autism, and I had to defend him.	17	
17 18	Q I'm going to give you what's marked as	18	object to a question I ask. And I think it just
17 18 19	Q I'm going to give you what's marked as Exhibit 47.	18 19	object to a question I ask. And I think it just threw
17 18 19 20	Q I'm going to give you what's marked as Exhibit 47. (Plaintiff's Deposition Exhibit No.	18 19 20	object to a question I ask. And I think it just threw A I understood.
17 18 19 20 21	Q I'm going to give you what's marked as Exhibit 47. (Plaintiff's Deposition Exhibit No. 47 was marked for identification.)	18 19 20 21	object to a question I ask. And I think it just threw A I understood. Q I figured it just threw you off on what
17 18 19 20 21 22	Q I'm going to give you what's marked as Exhibit 47. (Plaintiff's Deposition Exhibit No. 47 was marked for identification.) A Can you give me a minute?	18 19 20 21 22	object to a question I ask. And I think it just threw A I understood. Q I figured it just threw you off on what the question was.
17 18 19 20 21 22 23	Q I'm going to give you what's marked as Exhibit 47. (Plaintiff's Deposition Exhibit No. 47 was marked for identification.) A Can you give me a minute? BY MR. CROSBY:	18 19 20 21 22 23	object to a question I ask. And I think it just threw A I understood. Q I figured it just threw you off on what the question was. A Yes. It did. I understand.
17 18 19 20 21 22	Q I'm going to give you what's marked as Exhibit 47. (Plaintiff's Deposition Exhibit No. 47 was marked for identification.) A Can you give me a minute?	18 19 20 21 22	object to a question I ask. And I think it just threw A I understood. Q I figured it just threw you off on what the question was.

Ebony Sanders - 9/28/2021

	Page 21		Page 22
1	to change or to stop Mr. Beckert from behaving in	1	would investigate the matter.
2	that manner prior to filing the grievance?	2	Q And was that done?
3	A Not to my knowledge, no.	3	A Yes. It was,
4	Q If an action was taken, you weren't	4	Q And was an outside law firm hired to come
5	A I would not	5	in and do an independent investigation?
6	Q told about it?	6	A An attorney was hired to do an
7	A That is correct.	7	investigation. I'm not clear if it was an outside
8	Q Was it common knowledge within the county	8	firm or not.
9	administrative building and within the government	9	Q A lady named Linda Evans?
10	that Mr. Beckert was behaving abusively toward	10	A That is correct.
11	yourself and others?	11	Q And did Ms. Evans interview you?
12	MR. ANDERSON: Object to the form.	12	A She did.
13	A Yes.	13	Q How about any of the
14	BY MR, CROSBY:	14	MR. BUYCK: Let me correct you. It's
15	Q You're okay.	15	Edwards
16	A Yes.	16	MR. CROSBY: Edwards.
17	Q So tell me what happened when you when	17	MR. BUYCK: and not the actress.
18	you filed your grievance.	18	MR. CROSBY: Okay, Shows how old you are
19	A I filed a grievance based on a	19	BY MR. CROSBY:
20	recommendation from an outside source. It went to	20	Q Yeah. Linda Edwards. I apologize. And
21	human resources. I sent a copy to Amanda Kinkaid.	21	just tell me about that investigative process. What
22	Well, she's human resources. Ashley Jacobs received	22	you what happened? Talk to you. Did she talk to
23	a copy as well.	23	any of your staff?
24	Q And was did the county investigate it?	24	A Yes. She did.
25	A Yes. I was instructed that the county	25	Q And what was the ultimate outcome of of
	Page 23		Page 24
1	that, Ms. Sanders?	1	BY MR. CROSBY:
2	A Ms. Edwards informed me that she didn't	2	Q And you've already described it as
3	find any I'm not sure if she said issues. I	3	bullying and intimidation?
4	cannot remember the complete conversation, but the	4	A Yes
5	end result was that they didn't find anything.	5	Q What you're telling me is that the
6	Q Now, you as a county employee have to sign	6	investigation performed by Ms. Edwards did not make
7	off on a the county handbook? Employee handbook?	7	that determination? Didn't make a finding against
8	A I did not sign off on the county handbook.	8	of any sort?
9	Q How did you get around that?	9	A I do not recall completely. I don't
10	A When you I cannot remember, but I	10	recall exactly our conversation with her.
11	remember not signing it at the time.	11	Q Were you was there a report or anything
12	Q The the conditions that you were	12	of from her investigation that was provided to
13	subjected to with regard to Mr. Beckert, in your	13	you?
14	estimation, did did that constitute a	14	A I don't remember receiving one. So I
15	hostile-type environment when he would come around?	15	can't say for certain. I'm not going to say for
16	MR. BUYCK: Note my objection. You can	16	certain. It's been a while, but I know I did speak
17	answer.	17	with her.
18	A One more repeat the question.	18	Q But your ultimate conversation, what you
19	BY MR. CROSBY:	19	gleaned from it, was that she did not make any type
20	Q Was Mr. Beckert's interactions with you	20	of a finding favorable to you or or that your
21	and your staff did that create a hostile	21	allegations were had merit?
22	environment to work in?	22	MR. BUYCK: Note my objection. You can
23	MR, BUYCK: Same objection. You can	23	answer to the best you can.
24	answer.	24	A She did not say it was not a merit. She
		25	did not say that from my conversations with her.
25	A Yes.		

6 (Pages 21 to 24)



Deposition of: **D. Paul Sommerville**

April 8, 2021

In the Matter of:

Holland, Aliciav. Beaufort County et al

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	Holland, Aliciav. Beaufort County et al				
	Page 6		Page 8		
1	Q. During your service on County Council,	1	employees complained to me specifically about his		
2	did you become aware by some means of complaints	2	behavior towards them.		
3	from employees and perhaps others about what they	3	Q. And can you give me the names of some		
4	perceived to be harassing or abusive conduct toward	4	that you can recall?		
5	them by Jim Beckert?	5	A. Yes, sir, I'll give you the ones I can		
6	A. What was the word before "conduct"? I	6	recall. Alicia Holland, Maria Walls, the CFO of		
7	heard you say harassing and some kind of conduct.	7	of the school board, Tanya		
8	Q. Abusive?	8	Q. Crosby?		
9	A. Abusive conduct. Yes.	9	A Crosby. Thank you. No, I'm sorry,		
10	Q. And tell me how you you came to know	10	Tanya Crosby did not complain to me about his		
11	of those complaints. And I'll ask you some	11	treatment of her. She complained about his job		
12	specifics, but I would just like some generalities	12	performance. I want to be clear about that.		
13	to start with.	13	I recall those two, but I'm not sure		
14	A. Well, I had I have no idea how many	14	beyond that.		
15	conversations with a number of people on that	15	Q. Did you ever learn of any complaints by		
16	topic.	16	Ebony Sanders?		
17	Q. To the extent you can, when did you	17	MR. ANDERSON: Objection.		
18	first learn about any complaints about Jim	18	THE WITNESS: Ebony Sanders, no, sir, I		
19	Beckert's behavior?	19	do not.		
20	A. I believe Mr. Beckert was first elected	20	BY MR. CROSBY:		
21	think about this. About 9 about 2015, I	21	Q. What about Monica Spells?		
22	think. This is his second term, I think. Towards	22	MR. ANDERSON: Same objection.		
23	the end of second term. So I'm going to say	23	THE WITNESS: Am I hearing things?		
24	2015 that may not be exactly right is when he	24	MR. ANDERSON: No, sir. I'm objecting,		
25	first became auditor, I think, close.	25	but you can answer the question.		
	Page 7		Page 9		
1	And I don't remember, to be honest with	1	THE WITNESS: Oh, okay. I want to		
2	you, when the first time I heard the complaints	2	don't want to dis I don't want to be		
3	about him, so I can't really put a date to it.	3	dismissive.		
4	O. Sometime after he took office?	4	MR. ANDERSON: No, sir. It's a		
5	A. Yes, sir.	5	speaking objection. You can answer.		
6	Q. And what was the nature of the	6	THE WITNESS: I understand.		
7	complaints, as best you can recall?	7	Okay. You're asking me if I had		
8	A. Well, they took two forms. One was	8	complaints from Monica Spells		
9	was his job performance and another was the way he	1	BY MR. CROSBY:		
10	treated some individuals that I became aware of.	10	Q. Yes.		
11	Q. There were some people that would	11	A about Beckert directly?		
12	complain about Mr. Beckert's performance as	12	Q. Yes.		
13	auditor?	13	A. Directly, no.		
14	A. Yes, sir, to me. I don't know, I'm	14	Q. How about indirectly?		
15	sure they well, I'm not sure of anything. They	15	A. I don't recall specifically.		
16	may have complained to others, but they definitely,	16	Q. Did Gary Kubic ever express concerns to		
17	some people definitely complained to me.	17	you about Beckert's treatment of some of his staff?		
18	Q. And then there were complaints about	18	A. Yes.		
19	his behavior to towards specific others?	19	Q. What do you recall was relayed to you		
20	A. A lot of the complaints had to do with	20	by Gary Kubic?		
21	his job performance, but you're asking me about	21	A. Would you repeat the question, please.		
22	what?	22	Q. What do you recall what Gary Kubic		
23	Q. About his behavior toward people	23	told you about that?		
24	employed County employees.	24	A. About?		
25	A. Employees. Yes, several County	25	Q. About his concerns about Beckert's		

D. Paul Sommerville Holland, Aliciav. Beaufort County et al

April 8, 2021

	Holland, Aliciav. Bo	Juui	ort County of ar
	Page 10		Page 12
1	treatment of his staff?	1	office, had installed cameras on the County
2	A. He he complained we're not	2	administration building because of Jim Beckert's
3	talking about his job performance now.	3	peering through Maria Walls' windows?
4	Q. Right.	4	A. Yes.
5	A. We're talking about treatment.	5	Q. When did you learn of that?
6	Q. Right.	6	A. Well, let's see. Gary left in I'm
7	A. Okay. Gary and I had Gary Gary	7	not going to try to pinpoint that date because I
8	told me on several occasions that Jim Beckert	8	don't remember exactly when he left, but sometime
9	was I don't want to misquote Gary and it's very	9	prior to Gary leaving he told me that he told me
10	difficult to try to remember his exact words, but	10	he was installing cameras for that purpose. Among
11	I'm trying. I'm going to have to paraphrase	11	others, there were other it wasn't the only
12	because I'm not sure of his exact words, that he	12	purpose, but it was a purpose.
13	was harassing some employees.	13	Q. What you learned is that what prompted
14	Q. Did Gary inform you of any action that	14	it was a complaint from Maria Walls about Jim
15	he had taken to protect those employees?	15	Beckert peering through her window?
16	A. Yes. Gary I was chairman during	16	A. Yes.
17	some of that oh, excuse me, I forgot to turn my	17	MR. ANDERSON: Object to the form.
18	phone off. I'm sorry. Oh, shoot. Sorry. I	18	BY MR. CROSBY:
19	forgot to turn my phone off.	19	Q. Did did he relay to you that Jim
20	MR. BUYCK: If you need to get that	20	Beckert would peer through his window as well?
21	call you're welcome to.	21	A. On numerous occasions, yes.
22	THE WITNESS: What's that?	22	Q. In your time on County Council, was the
23	MR. BUYCK: If you need to get that	23	issue of Jim Beckert's behavior toward employees
24	call	24	and/or Maria Walls ever discussed as an agenda item
25	THE WITNESS: No, no, no. I it's	25	or in an executive session item where there was
	Page 11		Page 13
1	I'll call them back.	1	some effort to determine if anything could be done
2	Again, would you repeat the question?	2	to stop it?
3	I'm sorry I was interrupted.	3	A. I don't recall.
4	BY MR. CROSBY:	4	Q. Did Gary Kubic ever express to you any
	6 71 11 11 11 11 11 11 11 11 11	_	forestantian about his imphility to ston Jim

Q. I believe the question was did Gary 5 ever tell you or did you learn of any actions that 6

7 Gary had taken to protect any of the County

employees from Jim Beckert's harassment? 8

9 A. Yes.

10 Q. What -- what did you learn?

A. He told me on numerous occasions that 11

he had gone to Beckert's office and talked to him 12 and brought Beckert into his office to talk to him 13

to try to prevent some of that behavior. 14

15 Q. Did you ever learn that he had blocked,

basically limited Jim Beckert's access to his 16

part -- part of the building? 17

MR. ANDERSON: Objection.

THE WITNESS: I am not aware that Gary 19

Kubic limited Beckert's access to any part of the 20

21 building or -- I don't remember that that was

22 discussed.

18

23 BY MR. CROSBY:

Q. What about, did you become aware that 24

Gary Kubic, in conjunction with the sheriff's

frustration about his inability to stop Jim

Beckert's behavior?

7 A. Yes.

8 Q. And -- and tell me -- tell me what you

recall about that.

10 A. I can remember on several occasions

Gary being extremely frustrated because he -- he 11

couldn't figure out how to solve that problem, the

Beckert problem, in spite of his efforts. 13

14 Q. I believe after Maria Walls filed her

lawsuit, you were interviewed by the -- the paper 15

and you indicated that -- you acknowledged the

complaints that had been received and indicated it 17

18

had been on an ongoing basis?

A. (Indicating an affirmative response.)

Q. Is that correct?

21 A. That's correct.

22 Q. And you're quoted in there as saying,

23 "We concluded that because he's an elected official

24 there wasn't a whole lot we can do." And it says,

25 "I never felt comfortable with that because I just

4 (Pages 10 - 13)

19

20

	Holland, Aliciav. Beaufort County et al				
	Page 14		Page 16		
1	kept thinking there has to be something we can do	1	BY MR. CROSBY:		
2	to help these poor people."	2	Q. If there was anything that could have		
3	Do you recall saying that?	3	been done within the power of the County		
4	A. I do.	4	administrator or department heads to protect from		
5	Q. When you say we made the decision or we	5	Jim Beckert's harassing behavior, that should have		
6	concluded that there wasn't much could be done was	6	been done?		
7	that council concluded or are you talking about	7	A. You mean I'm still not understanding		
8	County government?	8	554		
9	A. No, I'm really talking about Gary and	9	Q. Is it		
10	myself because my conversations were not with the	10	A exactly how you're wording the		
11	council itself. We may have had individual	11	question.		
12	conversations. I don't recall that we had a group	12	Q. Well, would you agree that if there		
13	conversation, a council conserv conversation.	13	were actions that could have been done to protect		
14	But I had many conversations with Gary about it and	14	from Jim Beckert's harassing behavior, that any		
15	so I guess the "we" I'm talking about really is	15	available avenue should have been pursued?		
16	Gary and I. I think I was probably chairman at	16	MR. ANDERSON: Object to the form.		
17	that time.	17	THE WITNESS: Oh, absolutely. Would		
18	Q. And as chairman you would have had a	18	have been, certainly would have been by Gary and my		
19	lot of direct communications with the County	19	opinion would have been pursued by Gary Kubic and		
20	administrator?	20	would have been pursued by me in my role. We just		
21	A. Daily.	21	never could come up with anything that seemed to		
22	Q. Was there ever a a legal opinion	22	have any likelihood of success. It was very		
23	that was issued where that was looked at to see if	23	frustrating.		
24	there was anything that could be done?	24	BY MR. CROSBY:		
25	A. I don't have direct knowledge of any	25	Q. Did you ever have any conversations		
	Page 15		Page 17		
1	conversations that may have taken place between	1	over the years with Maria Walls about her concerns		
2	Gary and attorneys or Gary and the governor's	2	about Jim Beckert's behavior?		
3	office or Gary and whoever. I mean I had second	3	A. Yes. I can't tell you how many, but it		
4	I have secondhand information that those	4	was probably quite a few.		
5	conversations took place, but no firsthand	5	Q. Was that something that was a constant		
6	information.	6	topic between you and Maria where she would bring		
7	Q. Did you ever see any anything in	7	up her concerns about Jim Beckert?		
8	writing that came to the conclusion that nothing	8	A. Yes.		
9	could be done to stop Jim Beckert from harassing	9	Q. In your observations or in what she		
10	employees and others on County property?	10	told you, did you learn as to whether she feared		
11	A. I don't recall seeing anything like	11	for her physical safety?		
12	that.	12	A. I can't answer that. I don't know the		
13	Q. You certainly felt that or strike	13	answer to that.		
14	that.	14	Q. But what she would relay to you was		
15	You certainly would have liked to have	15	that she was being harassed by Jim Beckert?		
16	been able to do something to protect these	16	MR. ANDERSON: Objection.		
17	employees from harassment?	17	THE WITNESS: Yes.		
18	A. Oh, my gosh, yes. Absolutely.	18	BY MR. CROSBY:		
19	Q. And if there would have been anything	19	Q. When		
20	within the power of the County administrator that	20	A. Excuse me, I just remembered I have got		
21	could have been done to protect them, that should	21	another phone to turn off. That's it. I promise		
22	have been done, correct?	22	there are no more.		
23	MR. BUYCK: Note my objection.	23	Q. When sometime after Maria Walls		
24	THE WITNESS: Would you repeat that,	24	filed her lawsuit against the County, did you learn		
25	please.	25	that Jim Beckert's access to the County		
		-			

D. Paul Sommerville Holland, Aliciav, Beaufort County et al

April 8, 2021

	Holland, Aliciav. Beaufort County et al				
	Page 18		Page 20		
1	Administration Building had been restricted?	1	I just don't recall it. I think I have read every		
2	A. Yes.	2	article involving Mr. Beckert that's been written.		
3	Q. Tell me how you came to learn of that.	3	I may have missed one because I'm out of town quite		
4	A. I believe that the then-County	4	a bit, but I usually catch up when I come back,		
5	administrator told us that told the County	5	so		
6	Council at an executive session. It wasn't it	6	Q. Were there any ever any discussions		
7	was after Gary. This was Ashley Jacobs.	7	in executive session about Jim Beckert's treatment		
8	Q. She told council that she had taken the	8	of County employees?		
9	steps to restrict his access	9	A. Yes.		
10	A. Correct.	10	Q. When when would that have occurred?		
11	Q and prohibit prohibit him from	11	A. Sometime in the first half of 2020.		
12	having any contact with County employees?	12	Q. And what was what what brought		
13	A. Yeah, let me, if I may, clarify	13	that to be an item of executive session?		
14	something I said a minute ago that we had no	14	A. Well, my impression was that		
15	executive sessions to talk about Jim Beckert. That	15	Ms. Jacobs Ms. Jacobs was extremely frustrated		
16	was under Gary Kubic. But I can't recall any, but	16	dealing with Jim Beckert, as was Gary Kubic, the		
17	now we're moving forward to Ashley Jacobs and under	17	difference being that I had a lot more daily		
18	Ashley Jacobs we did have, I don't remember, one or	18	communication with Gary Kubic than I had with		
19	two, but we had at least one.	19	Ms. Jacobs simply because I wasn't the chairman		
20	Q. Okay. Well, I was going to ask you	20	beginning in 2020.		
21	about Ashley Jacobs. So did Ashley Jacobs ever	21	Q. What do you recall about		
2.2	relay comp complaints about Jim Beckert's	22	A. Or or '19, for that matter.		
23	harassment of County employees?	23	Q. What do you recall about the specifics		
24	A. Yes.	24	that she was relaying to council about her		
25	Q. What do you recall about your	25	frustrations with Jim Beckert?		
	Page 19		Page 21		
1	conversations with Ms. Jacobs?	1	A. I recall that her primary focus was		
2	A. A lot of her complaints about Jim	2	getting the tax bills out and getting the		
3	Beckert had to do with his job performance.	3	closing the books, getting the CAFR out and his		
4	Q. Well, would I'm talking about	4	his role in those things, particularly the tax		
5	specific to his harassment of County employees.	5	bills.		
6	A. Right. I'm trying to recall if she	6	Q. Well, and what about specific to his		
7	she very well may have, but I can't I can't	7	conduct toward County employees and others on		
8	swear that that happened, that she did, that she	8	County property?		
9	talked about his harassment. She very I'm sorry	9	A. It was discussed, but I can't remember		
10	to say I just don't specifically remember. I had	10	the particulars of it.		
11	so many conversations with so many people about his	11	Q. Was there any executive action		
12	harassment, that I'm not sure if she was one.	12	discussed that that was proposed to be taken		
13	I had conversations with her about Jim	13	with regard to Jim Beckert's conduct toward County		
14	Beckert, but I'm not sure if harassment was part of	14	employees?		
15	those con it may may well have been, but I'm	15	A. Yes. I don't know who came up with		
16	not sure.	16	this idea. I may have known at the time, but I		
17	Q. Did she ever relay to you that Jim	17	don't know now. Somebody came up with the idea		
18	Beckert exhibited harassing behavior toward her?	18	that we could exclude him or, I'm sorry, that the		
19	A. She never said that directly to me. I	19	administrator had control over the building, the		
20	think I think I may have heard that secondhand,	20	County Office Building and, therefore, had the		
21	but I'm not sure.	21	authority to exclude him from that building and		
22	Q. Did did did you read in any	22	that was going to be the action taken and, in fact,		
23	newspaper articles where she was quoted as that, as	23	that was the action taken.		
24	having been harassed by Jim Beckert?	24	Q. Now, that was after the lawsuits were		
411		100	£140		

6 (Pages 18 - 21)

25 filed?

25

A. If there was an article, I read it, but

	Holland, Aliciav. Beaufort County et al				
	Page 22		Page 24		
1	A. I can't I don't know what the	1	Q. Was that something that she complained		
2	sequence was.	2	to you about on multiple occasions?		
3	Q. Other than that, do you recall any	3	A. Yes.		
4	action that was discussed with regard to Jim	4	Q. Was the the complaint typically the		
5	Beckert's conduct toward	5	same, that Beckert was harassing her?		
6	A. Yes, I heard some conversations about	6	A. Well, a lot of her complaints had to do		
7	going to the governor, but they were they were	7	with his because she was the chief financial		
8	secondhand conversations and so	8	officer and responsible for the finance of the		
9	Q. That was something that was discussed	9	of the County, she a lot of her complaints,		
10	in executive session or just something that was	10	certainly not all of them, but a lot of them had to		
11	talked with outside of?	11	do with his job performance. But yes, she also		
12	A. No, I don't recall it being discussed	12	complained about his harassment.		
13	in executive session, but I do recall it being	13	Q. Did she		
14	discussed between myself and Josh Gruber, Gary	14	A. To me.		
15	Kubic.	15	Q complain to you that he was causing		
16	Q. With regard to the County administrator	16	her discomfort and stress?		
17	having the power or control over access to the	17	A. I'm struggling to answer that question		
18	buildings, whatever that timing was, was there any	18	because I'm not sure if if my conversation with		
19	vote on that or was it just a discussion that she	19	her was privileged, so		
20	actually, the County administrator, possessed that	20	Q. I don't I don't know how it would		
21	power?	21	be, but as her attorney, it's okay to tell me.		
22	A. My recollection is that in executive	22	A. Okay. No, I think there were other		
23	session, Ashley Jacobs proposed that idea. There	23	things that frustrated her as well, but yes, Jim		
24	was never a vote, to my knowledge, and as a as I	24	Beckert was certainly one of them.		
25	recall, she proposed it as something within her	25	Q. Did she relay to you that she was		
	Page 23 authority to do. It didn't require a vote.	1	Page 25 stressed about whether that Jim was causing her		
1	Q. The the County does have control	2	stress in in doing her job?		
3	over the County property, correct?	3	A. Yes.		
4	A. Absolutely.	4	Q. Let me give you a couple of documents		
5	Q. So that's basically what she was	5	and I'll let him take a break so you can look at		
6	suggesting is, as in her role as the highest	6	them.		
7	ranking County employee, she had the authority to	7	MR. CROSBY: What exhibit numbers are		
8	make that take that type of action?	8	these?		
9	MR. BUYCK: Note my objection.	9	MS AVANT: (Inaudible.)		
10	THE WITNESS: Correct.	10	THE WITNESS: Take a break, like make a		
11	BY MR. CROSBY:	11	call? Or take a break, like wait for them?		
12	O. There was no vote taken that night	12	MR. BUYCK: You can make a call.		
13	to or in that meeting to give her special power?	13	MR. CROSBY: Let's just go off the		
14	A. No, I only I only wish that I had	14	record.		
15	thought of it. I only wish Gary Kubic had thought	15	THE VIDEOGRAPHER: We are going off		
16	of it. As far as I know, Gary Kubic didn't think	16	record. The time is 2:42 p.m.		
17	of it, Josh Gruber didn't think of it, and I didn't	17	(A Recess transpired.)		
18	think of it, so, but somebody did at some point and	18	(EXHIBIT 14, Letter, 3-6-18, was marked		
19	I think it so	19	for identification.)		
20	Q. Do you re did you have more than	20	(EXHIBIT 15, E-Mail, 5-21-19, was		
21	one conversation with Alicia Holland	21	marked for identification.)		
22	A. Yes.	22	(EXHIBIT 16, E-Mail, 8-7-20, was marked		
23	Q about Beckert's behavior towards	23	for identification.)		
24	her?	24	(EXHIBIT 17, E-Mail, 8-19-20, was		
25	A. Yes.	25	marked for identification.)		

Ex. 3

Beaufort County Adopts Testimony:
Topic 12: The Role of County Council Over the Day-toDay Operations of the County



Deposition of: **Brian Flewelling**

April 8, 2021

In the Matter of:

Holland, Aliciav. Beaufort County et al

Veritext Legal Solutions

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Brian Flewelling Holland, Aliciav. Beaufort County et al

April 8, 2021

	Holland, Aliciav. Beaufort County et al				
	Page 22		Page 24		
1	he was so adamant about it and I and finally at	1	way toward anyone else other than maybe a couple of		
2	the end I had to lay down the law, this is my	2	times with yourself and then his wife?		
3	product, I'm paying for it, I need to have	3	A. No.		
4	authority to say what I want and what I don't want.	4	Q. So if there were problems at the County		
5	And he said okay and that was it. But	5	with regard to Jim Beckert harassing employees that		
6	he was adamant about it, arguing with me about	6	were beyond the ability of the County administrator		
7	something that I didn't think was his within his	7	to resolve, that was just never brought to your		
8	that I didn't think it was right for him to argue	8	attention?		
9	with me and I felt like he was being a little bit	9	A. No, I don't believe it was.		
10	of a jerk.	10	Q. And even so, you would have expected		
11	And so that was 2008 and I'm sure that	11	the County administrator to have had the ability		
12	it happened I saw him in a disagreement with his	12	and authority to take necessary action to protect		
13	wife, you know, over relatively simple things and	13	the employees of Beaufort County?		
14	he's had a little bit of an attitude that I felt	14	A. That's correct.		
15	was not the way I would have handled a disagreement	15	Q. That would have fellen fallen		
16	with my wife. And it was something very minor,	16	directly in the purview of the County administrator		
17	it's just the way he said something was, you know,	17	as the top employee in the County?		
18	a little bit of a jerk. And, you know, I can't	18	A. That's correct.		
19	even remember what the disagreement was or what he	19	MR. CROSBY: Let me take just a quick		
20	said or even really the way he said it. Just like	20	break. If you want to be at ease for a minute.		
21	I felt it was something jerky, you know.	21	THE VIDEOGRAPHER: We are going off		
22	BY MR. CROSBY:	22	record. The time is 1:43 p.m.		
		23	(A brief recess was taken.)		
23	Q. Is is is Jim still married?	24	THE VIDEOGRAPHER: We are back on		
24 25	A. Yes, to my knowledge.Q. Do they still have the Pinpoint	25	record. The time is 1:51 p.m.		
23		23			
,	Page 23	1	Page 25 BY MR. CROSBY:		
	Printing business?	2	Q. As a member of County Council, would		
2	A. I don't believe he does that anymore.	3	you agree that the employees of the County ought to		
3	Q. Did you know Jim when he worked at	4	be provided the working environment that is free of		
4	Beaufort Memorial Hospital?	5	harassment as as is set forth in the personnel		
5	A. No. When I first met him, he may have	6	manual?		
6	been at Beaufort Memorial, but honestly, I didn't	7	A. Yes.		
7	keep track of where he was working or what he was	8	Q. And that behavior by anyone, be it a		
8	doing.	9	County employee, elected official, that disrupts		
9	Q. Do you know of your own personal		the working environment and causes employees of		
10	knowledge if he ever worked there?	10			
11	A. Like having seen him there, no, not to	11	Beaufort County to feel harassed or hostility,		
12	my own personal knowledge.	12	should be addressed by the County if if they come to know of that?		
13	Q. Has he told you he worked there?	13			
14	A. Not that I recall, no.	14	A. I'm I don't really have an answer to		
15	Q. Were you you act like you were	15	that question, sir. I'm not really sure I		
16	familiar with that. Do you know you just don't	16	understand what you're saying.		
17	know one way or the other if he ever worked there?	17	Q. Well, if if the County leadership,		
18	A. That's right. I don't recall that he	18	such as County administration become becomes		
19	ever said he was gainfully employed by Beaufort	19	aware of a pattern of abusive behavior toward		
20	Memorial, but I recall having conversations about	20	County employees, would you agree that it be your		
21	him that it was implied that he worked there in,	21	expectation that whatever the source of that		
77	like, HR or something like that.	22	abusive behavior that it be addressed such that the		
22	a				
23	Q. Have you ever seen Jim exhibit what you	23	employees are working in a proper secure		
	Q. Have you ever seen Jim exhibit what you would consider behavior that would you would classify as him being a jerk or being out of the	232425	employees are working in a proper secure environment? A. Within the bounds of the law, yes.		

	Holland, Aliciav. Be		<u> </u>
	Page 26		Page 28
1	Q. Within the bounds of law and the bounds	1	BY MR. CROSBY:
2	of what what's set forth in County policy?	2	Q. I'm not going to bother you with going
3	A. And the law. I'm not sure I'm not	3	through that line by line. If you've listened to
4	sure what goes on, but I would expect the County	4	it, we have got it.
5	administrator to make sure that our employees have	5	With that said, I don't have any other
6	a safe work environment.	6	questions.
7	Q. And that is something you're really	7	MR. BUYCK: I have no questions.
8	obligated to, not only as a matter of policy, but	8	MR. ANDERSON: I don't have any
9	as a matter of law that all employees are entitled	9	questions. Thank you, sir.
10	to a safe working environment?	10	MR. BUYCK: All right. We're done.
11	A. Yes, sir.	11	THE VIDEOGRAPHER: We're going off
12	Q. And that's what the public, the voters	12	record. The time is 1:55 p.m. This concludes the
13	in Beaufort County would you would think that	13	video-recorded testimony of Brian Flewelling and
14	that's what they would expect, correct?	14	will be retained by Veritext.
15	MR. BUYCK: Note my objection.	15	(The witness, after having been advised
16	THE WITNESS: Yes, sir.	16	of his right to read and sign this transcript, does
17	BY MR. CROSBY:	17	not waive that right.)
18	Q. In preparation for your deposition, did	18	(The deposition concluded at 1:55 p.m.)
19	you review a recording of a telephone conversation	19	
20	or between you and Maria Walls from January	20	
21	2020?	21	
22	A. Is that when that conversation	22	
23	happened?	23	
24	Q. Yeah.	24	
25	A. Yes.	25	
1	Page 27 Q. Is that the one you were referring, you	1	Page 29 CERTIFICATE OF REPORTER
2	thought it was October of 2	2	
3	A. That's correct, sir, that's the one I	3	I, Julie L. Bonomo, Court Reporter and
4	thought it was	4	Notary Public for the State of South Carolina at
5	Q. Okay. That's the one you were making	5	Large, do hereby certify that the foregoing
6		_	
7	reference to?	6	transcript is a true, accurate, and complete
1 /		7	record.
8	A. Right. Exactly.	7 8	record. I further certify that I am neither
		7 8 9	record. I further certify that I am neither related to nor counsel for any party to the cause
8	A. Right. Exactly.Q. And that's where you were saying you	7 8	record. I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof.
8 9	A. Right. Exactly. Q. And that's where you were saying you were trying to be an intermediary?	7 8 9 10	record. I further certify that I am neither related to nor counsel for any party to the cause
8 9 10	A. Right. Exactly.Q. And that's where you were saying you were trying to be an intermediary?A. Right.	7 8 9 10 11	record. I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof. Witness my hand, I have hereunto
8 9 10 11	 A. Right. Exactly. Q. And that's where you were saying you were trying to be an intermediary? A. Right. Q. Was anything in that conversation 	7 8 9 10 11 12	record. I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof. Witness my hand, I have hereunto affixed my official seal this 18th day of April,
8 9 10 11 12	A. Right. Exactly. Q. And that's where you were saying you were trying to be an intermediary? A. Right. Q. Was anything in that conversation between you and Ms. Walls that you felt was	7 8 9 10 11 12 13 14 15	record. I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof. Witness my hand, I have hereunto affixed my official seal this 18th day of April, 2021, at Charleston, Charleston County, South
8 9 10 11 12 13	A. Right. Exactly. Q. And that's where you were saying you were trying to be an intermediary? A. Right. Q. Was anything in that conversation between you and Ms. Walls that you felt was inaccurate?	7 8 9 10 11 12 13 14 15 16	record. I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof. Witness my hand, I have hereunto affixed my official seal this 18th day of April, 2021, at Charleston, Charleston County, South
8 9 10 11 12 13 14	A. Right. Exactly. Q. And that's where you were saying you were trying to be an intermediary? A. Right. Q. Was anything in that conversation between you and Ms. Walls that you felt was inaccurate? A. You mean at the time that I was	7 8 9 10 11 12 13 14 15 16 17	I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof. Witness my hand, I have hereunto affixed my official seal this 18th day of April, 2021, at Charleston, Charleston County, South Carolina.
8 9 10 11 12 13 14 15	A. Right. Exactly. Q. And that's where you were saying you were trying to be an intermediary? A. Right. Q. Was anything in that conversation between you and Ms. Walls that you felt was inaccurate? A. You mean at the time that I was doing I was	7 8 9 10 11 12 13 14 15 16 17 18	I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof. Witness my hand, I have hereunto affixed my official seal this 18th day of April, 2021, at Charleston, Charleston County, South Carolina.
8 9 10 11 12 13 14 15 16	A. Right. Exactly. Q. And that's where you were saying you were trying to be an intermediary? A. Right. Q. Was anything in that conversation between you and Ms. Walls that you felt was inaccurate? A. You mean at the time that I was doing I was Q. Well, just when you reviewed it, I	7 8 9 10 11 12 13 14 15 16 17 18	I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof. Witness my hand, I have hereunto affixed my official seal this 18th day of April, 2021, at Charleston, Charleston County, South Carolina.
8 9 10 11 12 13 14 15 16 17	A. Right. Exactly. Q. And that's where you were saying you were trying to be an intermediary? A. Right. Q. Was anything in that conversation between you and Ms. Walls that you felt was inaccurate? A. You mean at the time that I was doing I was Q. Well, just when you reviewed it, I mean, does that sound like an accurate recording of	7 8 9 10 11 12 13 14 15 16 17 18 19 20	I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof. Witness my hand, I have hereunto affixed my official seal this 18th day of April, 2021, at Charleston, Charleston County, South Carolina.
8 9 10 11 12 13 14 15 16 17 18	A. Right. Exactly. Q. And that's where you were saying you were trying to be an intermediary? A. Right. Q. Was anything in that conversation between you and Ms. Walls that you felt was inaccurate? A. You mean at the time that I was doing I was Q. Well, just when you reviewed it, I mean, does that sound like an accurate recording of the conversation between you and Ms. Walls on that	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof. Witness my hand, I have hereunto affixed my official seal this 18th day of April, 2021, at Charleston, Charleston County, South Carolina.
8 9 10 11 12 13 14 15 16 17 18	A. Right. Exactly. Q. And that's where you were saying you were trying to be an intermediary? A. Right. Q. Was anything in that conversation between you and Ms. Walls that you felt was inaccurate? A. You mean at the time that I was doing I was Q. Well, just when you reviewed it, I mean, does that sound like an accurate recording of the conversation between you and Ms. Walls on that day?	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof. Witness my hand, I have hereunto affixed my official seal this 18th day of April, 2021, at Charleston, Charleston County, South Carolina.
8 9 10 11 12 13 14 15 16 17 18 19 20	A. Right. Exactly. Q. And that's where you were saying you were trying to be an intermediary? A. Right. Q. Was anything in that conversation between you and Ms. Walls that you felt was inaccurate? A. You mean at the time that I was doing I was Q. Well, just when you reviewed it, I mean, does that sound like an accurate recording of the conversation between you and Ms. Walls on that day? A. Yes.	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof. Witness my hand, I have hereunto affixed my official seal this 18th day of April, 2021, at Charleston, Charleston County, South Carolina.
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In the Matter of:

ALICIA HOLLAND

VS.

BEAUFORT COUNTY, ET AL

Thomas J. Keaveny, II

September 27, 2021



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Thomas J. Keaveny, II - 9/27/2021

	Page 13		Page 14
1	the discovery that's been served on the county?	1	there again because I don't want it to look
2	A He's aware that we've been served with	2	like we're trying to hide something from you.
3	discovery.	3	MR. CROSBY: Well, just know you have an
4	Q And, of course, you, as a lawyer,	4	obligation, if they know there's video of him
5	understand	5	going in there, to preserve it, and that can
6	A Sure.	6	be preserved right immediately.
7	Q the county would have an obligation to	7	MR. BUYCK: This is the first I've heard
8	preserve	8	of it, but I'll do whatever is necessary, but
9	A Right.	9	like I said, if y'all will let me know of
10	Q any discoverable material?	10	things, I'll be glad to try to preserve it.
11	A Right, right.	11	MR. CROSBY: Well, I just let I just
12	MR. BUYCK: And just for the record, I've	12	let you know about that.
13	given you the issues set forth regarding	13	MR. BUYCK: That's fine.
14	videos and that we don't have the capacity to	14	MR. CROSBY: But they already knew, so I
15	maintain the videos for a lengthy period of	15	would presume that it's been preserved.
16	time. There have been several letters	16	MR. BUYCK: Okay. First I've heard of
_	exchanged between your office and my office	17	it, so
18	relative to that, and if there's something	18	THE WITNESS: If it exists. I don't even
19	that y'all want within the time frames in	19	know if it exists.
20	which we're able to get it and you're aware of	20	MR. CROSBY: I think our next exhibit is
21	it, then let us let us know what you're	21	Number 18.
22	aware of, and we'll try to preserve it the	22	(Exhibit 18, 8/15/16 Email to Cadd
23	best we can, but otherwise, we don't have the	23	from Beckert, was marked for
24	capacity to do so.	24	identification.)
25	And I'm just I'm just putting this out	25	MR. CROSBY: I think the next exhibit's
	Page 15		Page 1
1	supposed to be is 18 in what we've marked	1	resolution of council, on August 1st, 2016, and the
4	so far.	2	regulations and the rules that are set forth in
2	so far. BY MR. CROSBY:	2 3	
3	BY MR. CROSBY:		regulations and the rules that are set forth in
3 4		3	regulations and the rules that are set forth in that personnel handbook apply only to folks over
3	BY MR. CROSBY: Q Do you recognize the attachment to	3 4	regulations and the rules that are set forth in that personnel handbook apply only to folks over whom the administrator has authority, hiring and
3 4 5	BY MR. CROSBY: Q Do you recognize the attachment to Exhibit 18?	3 4 5	regulations and the rules that are set forth in that personnel handbook apply only to folks over whom the administrator has authority, hiring and firing authority. The county administrator's
3 4 5 6	BY MR. CROSBY: Q Do you recognize the attachment to Exhibit 18? A I do.	3 4 5 6	regulations and the rules that are set forth in that personnel handbook apply only to folks over whom the administrator has authority, hiring and firing authority. The county administrator's authority does not extend to the offices of the
3 4 5 6 7	BY MR. CROSBY: Q Do you recognize the attachment to Exhibit 18? A I do. Q Just explain to me what this is.	3 4 5 6 7	regulations and the rules that are set forth in that personnel handbook apply only to folks over whom the administrator has authority, hiring and firing authority. The county administrator's authority does not extend to the offices of the elected officials.
3 4 5 6 7 8	BY MR. CROSBY: Q Do you recognize the attachment to Exhibit 18? A I do. Q Just explain to me what this is. A All right. Let me just read it fully for	3 4 5 6 7 8	regulations and the rules that are set forth in that personnel handbook apply only to folks over whom the administrator has authority, hiring and firing authority. The county administrator's authority does not extend to the offices of the elected officials. And so what Mr. Kubic decided he wanted to do was to provide the elected officials, including the magistrates who are selected by a
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3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	BY MR. CROSBY: Q Do you recognize the attachment to Exhibit 18? A I do. Q Just explain to me what this is. A All right. Let me just read it fully for a second. Q Yeah. Take your time. A I remember seeing it, but it's been a long time. All right. Yes. So I'm sorry. Your question is? Q What is the attachment to Exhibit 18? A Being a lawyer, I can be long-winded, and I apologize for that, so if I get long-winded and don't answer your question, just kind of get me back to where you want to be. But what this document is is it's a letter from Gary Kubic to basically all the elected officials in the county regarding Beaufort —	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	regulations and the rules that are set forth in that personnel handbook apply only to folks over whom the administrator has authority, hiring and firing authority. The county administrator's authority does not extend to the offices of the elected officials. And so what Mr. Kubic decided he wanted to do was to provide the elected officials, including the magistrates who are selected by a state senator, the opportunity to adopt — to review the handbook and to decide whether or not they wanted to utilize it for their personnel, and if they did, he wanted them to sign this document so that we could then — HR could then process payroll, vacation times, all kinds of benefits, everything, for the employees for the elected officials the same as the employees over whom he had authority. Q And so is that sort of an exchange between the county and the elected official where if they sign on to the — be bound by the handbook.

4 (Pages 13 to 16)

	Page 17		Page 18
1	official, sign onto the handbook?	1	By electronic communication to the county
2	A I don't know that I ever saw his	2	administrator, you voluntarily adopted this policy.
3	signature, but it's my understanding that he did,	3	A There you go.
4	yes. I say I don't know. I don't recall seeing	4	Q So would that be confirmatory?
5	it, but I might have. But I think all the elected	5	A Yeah, yes, sir.
6	officials decided to go that way, although I don't	6	Q And this is where Mr. Beckert is
7	know about the legislative delegation. I see	7	attempting to require an employee to give 30 days
8	Representative Erickson's name is on here, and I	8	notice
9	really don't know what became of that.	9	A Right.
10	Q I'll pass you Exhibit Number 19.	10	Q of her leaving the county's
11	(Exhibit 19, 3/28/17 Email to	11	employment?
12	Keaveny from Gruber, was marked for	12	A Right.
13	identification.)	13	Q And Mr. Gruber is pointing to Mr. Beckert
14	BY MR. CROSBY:	14	that he's not allowed to do that?
15	Q And I just wanted to point to the	15	A Uh-huh.
16	maybe that third paragraph, Tom. Looks like an	16	Q That's a yes?
17	email from you to Josh Gruber. I guess you're	17	A Yes.
18	addressing Jim Beckert there?	18	Q And Maria Walls, likewise, signed the
19	A It looks like it's from Josh Gruber to	19	agreement to be bound by the Beaufort County
20	me, even though it then says Jim. So I think I	20	employee handbook?
21	remember this situation, but let's make sure.	21	A I don't know that I ever saw her
22	Yeah, I think this is right. Hold on a second. Do	22	signature, but by virtue of things that have gone
23	you want me to are you going to ask me	23	on with Maria and her employees, I have to believe
24	Q No. I was just if we look at that	24	that she agreed to be bound by it.
25	third paragraph Mr. Gruber writes there, it says:	25	Q In order to accept the to get the
	Page 19		Page 20
1	services from the county, there would have to be	1	regulations that are in there, sure, grievance
2	that agreement in place?	2	procedures, for instance.
3	A And I understand she's her employees	3	Q To follow the anti-harassment policies?
4	I I more than the same and a no I approprie		
	have been receiving those services, so I assume	4	A Yes, sir.
5	have been receiving those services, so I assume that she signed the document.	5	A Yes, sir. Q Going back to the office space, tell me
5 6			
	that she signed the document. Q And once the elected official signs that,	5	Q Going back to the office space, tell me
6	that she signed the document.	5 6	Q Going back to the office space, tell me what is the that interplay with regard to office
6 7	that she signed the document. Q And once the elected official signs that, the memorandum, the agreement to be bound by the employee handbook and have their personnel, their	5 6 7	Q Going back to the office space, tell me what is the that interplay with regard to office space between the county and elected officials.
6 7 8	that she signed the document. Q And once the elected official signs that, the memorandum, the agreement to be bound by the	5 6 7 8	Q Going back to the office space, tell me what is the that interplay with regard to office space between the county and elected officials. A So it's been a long time since I've looked at the statute that applied, but the state statute requires the counties to provide the
6 7 8 9	that she signed the document. Q And once the elected official signs that, the memorandum, the agreement to be bound by the employee handbook and have their personnel, their employees abide by the handbook, the county, as is	5 6 7 8 9	Q Going back to the office space, tell me what is the that interplay with regard to office space between the county and elected officials. A So it's been a long time since I've looked at the statute that applied, but the state statute requires the counties to provide the elected officials offices and office equipment and
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Deposition of:

Gary T. Kubic

April 7, 2021

In the Matter of:

Holland, Aliciav. Beaufort County et al

Veritext Legal Solutions

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Gary T. Kubic Holland, Aliciav. Beaufort County et al

April 7, 2021 Page 58 Page 60 1 would be created by having all elected officials 1 Mr. Beckert let them know. 2 consent to the rules and regulations of a personnel Q. Did he ever express his displeasure to 2 3 handbook, which then offered a level of expertise 3 you? 4 for HR in terms of consistent management or 4 A. Oh, yeah. 5 application for vacation, sick leave, whatever the 5 Q. That was certainly within your 6 provision or idea would be. 6 authority to take that action, I assume? Q. Was the adoption by the elected offices 7 A. Yes. I think there is a -- I'm not 8 of this -- of Exhibit 1, the manual, a part of 8 sure if there is a statute or there is a policy. 9 the -- I guess the bargain with the county for --9 Maybe it's a council policy. But county 10 to receive HR services and that type of thing? 10 administrators are responsible for the -- all 11 buildings of the county, includes maintenance. The 11 A. Yeah. There was a -- sort of a mutual 12 understanding that the HR department was under the 12 only caveat would be overall security, which I 13 control of the county administrator; however, to 13 coordinated with the sheriff's office. 14 assist in advertising a position or to assist in Q. Have you got Exhibit Number 1? Can you 14 15 management or to assist in producing documents on 15 pass him a copy there? 16 behalf of the employee W-2, the actual paychecks, 16 A. Give me three minutes so I can read 17 how to do electronic deposit, all those things were 17 this document. Q. Just take a second. You probably 18 a result of a mutual understanding of how to 18 19 process. 19 helped write it, so... 20 It didn't necessarily mean that I could 20 A. I'm familiar with it. Q. And that's the county handbook that was 21 tell any elected official who to hire. That was up 21 22 to them. But the process of how to manage and what 22 adopted -- that version looks like August of 2016? 23 was expected of both sides, that was the purpose of 23 A. Yes. Resolution 2016/11. 24 the handbook: Consistency. 24 O. And I believe that in addition to 25 county employees, that the employees of the 25 Q. And consistency on that side, and then Page 59 1 there was a centralized -- the elected offices got 1 auditor's and treasurer's office signed off on that 2 the benefit of using the county's HR services like 2 document? A. I believe all elected officials of the 3 you say for W-2s and --A. Right. Producing a paycheck. 4 county signed off on this document. 5 MR. J. ANDERSON: Object to the form. 5 Q. Including council members? A. Well, council doesn't hire employees. 6 MR. BUYCK: Note my objection, too. 7 THE WITNESS: What was your question 7 I'm not sure if they did. But all the other 8 again? 8 elected divisions, including I think the 9 magistrates, the courts, any other unit that had BY MR. CROSBY: Q. There was two sides to it. You had 10 separately had the capability by statute to hire 10 11 consistency and policy over here, but also the 11 their own employees. 12 benefit to the elected offices would be consistency 12 Q. And what was it --13 and the provision of the HR services? 13 A. All the hiring of employees for county 14 A. Yeah. There are certain requirements 14 council was done through me. That's why I don't --15 that are involved when you hire an employee. One 15 I don't know if county --16 is simply recordkeeping, timekeeping, 16 O. What's the rationale on -- on having 17 hospitalization, how to produce a paycheck. All of 17 the other elected officials and their employees 18 those things were products of the HR department 18 sign off and adopt this policy? 19 under my administration as county administrator. 19 A. The recommendation and -- came from our

16 (Pages 58 - 61)

20 So the idea was instead of having all the elected

23 purposes of efficiency and movement, it -- it was

22 check writing, their own hospitalization, for

21 officials having their own HR department, their own

This, also, handbook was not just for

25

24 under the HR.

20 outside counsel, I believe, was Attorney Edwards.

23 county administration, auditor, or treasurer, that

25 defined in writing, and that the uniform standard

24 the expectations and actions of each party would be

21 The idea of having a personnel handbook was so that 22 the employee and the employer, whether it would be

Gary T. Kubic

April 7, 2021 Holland, Aliciav. Beaufort County et al Page 62 Page 64 1 elected officials, it's also for the new hires to 1 fellow human being. 2 2 understand what their responsibilities are to the And then it says: The county does not 3 taxpayer of Beaufort County. 3 tolerate harassment of any kind and strictly Q. Right. This is the exact same handbook 4 forbids retaliation against anyone who has reported 5 that your staff would sign? 5 harassment in good faith. A. Yes. A. Yes. That's what it says. 6 6 Q. And it sets forth the expectations with 7 Q. And basically it's -- what we've talked 7 8 regard to the -- how you expect county employees 8 about earlier, your efforts that we've talked about 9 to protect your staff and your employees from some 9 and those that sign off on this to act in the 10 workplace? It has --10 of Mr. Beckert's conduct were in effort to provide 11 the working anti -- harassment-free environment to 11 MR. J. ANDERSON: Objection. MR. BUYCK: Note my objection. 12 your employees? 12 13 BY MR. CROSBY: 13 A. That's correct. That's just sound --14 Q. -- certain -- certain forbidden --14 sound management. 15 Q. Because what -- what Mr. Beckert's or behaviors that are set forth in this? 16 MR. BUYCK: Same objection. 16 conduct, as you observed, would -- rose to the 17 MR. J. ANDERSON: Me too. 17 level of what one would describe as harassment 18 within this definition? 18 THE WITNESS: It -- it's a -- it's a 19 personnel handbook that offers the elected official 19 MR. J. ANDERSON: Objection. 20 the hiring authority and the employee hired by the 20 THE WITNESS: Are you asking me whether 21 hiring authority to know in writing what the 21 or not Mr. Beckert violated this provision as 22 written in the employee handbook? 22 expectations would be for each side. And so for 23 BY MR. CROSBY: 23 clarity, and also I think to protect the county 24 24 overall from random or haphazard claims by Q. That's another way of saying it. 25 employees against the county, if they did not 25 A. I would have to say I agree with that Page 63 Page 65 1 follow the handbook, then they have no real 1 assessment. 2 Q. And what you did to the best of your 2 position to argue. 3 BY MR. CROSBY: 3 ability was try to protect the county's employees 4 Q. And --4 from that type of environment? A. So, if they violated procedure, we had 5 A. Yes. 6 Q. And you actually tried to -- in some 6 the ability to process them through the conditions 7 and the grievance procedures defined in this book. respects to -- to help protect Maria Walls from 8 that conduct by putting up the cameras and taking O. And one of the purposes of the -- some 9 the concerns to county council? 9 of the language in the handbook is to provide a 10 good working environment by prohibiting such things 10 A. Yes. 11 as sexual harassment? 11 MR. J. ANDERSON: Objection. 12 BY MR. CROSBY: 12 A. Yes. Q. Go over to page -- let me -- let me ask 13 Q. That's something that was strictly 13 14 something before this. There is always this issue 14 forbidden by the county? A. Appropriate behavior. 15 about Jim Beckert that seems to permeate, and that 15 16 is that no one could do anything about him because 16 Q. If we look at Page 6 at Paragraph 1.3, 17 he was an elected official. That was -- and you 17 it has an anti-harassment policy set forth there. 18 and I have talked about that, that you didn't have 18 A. Page 6, 1.3, yes. 19 statutory authority to control an elected official, 19 Q. And in the second sentence, it says: 20 correct? 20 In addition to county endeavors to provide a

22

A. Yes.

Q. The office of the auditor and the 23 treasurer are in county-owned property?

24 A. Beg your pardon?

25 Q. The offices of both the treasurer and

21

21 working environment in which employees are free

22 from discomfort or pressure resulting from jokes,

24 harassment whether relating to such distinctions or 25 simply resulting from a lack of consideration for a

23 ridicule, slurs, gossip, threats, bullying,

April 7, 2021

Page 66 Page 68 1 the auditor are located in county-owned property? 1 or sick as a regular employee. There is a separate 2 category for elected officials in my opinion. I 2 A. Yes. 3 don't know whether it's defined by statute. But he 3 O. And I take it the county provides a 4 budget for their offices? 4 is not considered a regular employee for this 5 personnel handbook. A. County council does the appropriation 6 for each of the units. 6 BY MR. CROSBY: 7 7 Q. Was there ever any discussion while you Q. He signed a copy, didn't he? 8 were employed with the county about separating the A. He signed -- all the elected officials sign these copies to accept the handbook as a tool 9 offices or moving Jim Beckert's office to another 10 for new hires in terms of defining the 10 location? 11 A. Well, we had discussions because we 11 relationships between the hiring authority and the 12 were locating satellite offices and had satellite 12 employee. 13 Q. Do you have any understanding as -- as 13 offices for both the auditor, treasurer, and other 14 functions on Hilton Head. We remodeled one stop 14 to whether Mr. Beckert currently is allowed in the 15 county building? 15 for the Bluffton South of the Broad office. But I A. Well, I don't have any direct 16 did not engage -- I did not suggest moving 16 17 knowledge, but I have received a few phone calls 17 Mr. Beckert out of his main office as a result 18 of -- of these matters. 18 that he has been moved to another location. 19 Q. And -- and I guess that's what I was 19 Q. Page 8, Paragraph 1.6. 20 A. Page 8. Okay. What paragraph? 20 getting at. I mean, council apparently took that 21 Q. 1.6. step and made that décision currently, and that 22 was -- all this was just directed as whether or not 22 A. All right. 23 23 that had ever come up in your tenure about moving Q. And this -- point you to that second 24 sentence there where it says: Non-employees may be 24 him? 25 reported to appropriate law enforcement, which you 25 A. No. Not to remove him from his office Page 69 1 did that, and I believe Mr. -- Ms. Walls may have 1 location. 2 done that over time. And it says that and/or 2 Q. And the county owns the building and 3 barred from the premises. 3 controls the building, correct? Do you have -- and what you're telling 4 A. Yes. 4 5 me is that never was a discussion between you and 5 Q. And presumedly since they've done it 6 council to your recollection as to whether 6 now, had council wanted to take that action when 7 Mr. Beckert could be moved and barred from the 7 you first brought these complaints to their 8 premises over in Ribaut Road? 8 attention, they could have done so? A. Well, two things: One, this particular 9 MR. BUYCK: Note my objection. 10 paragraph I would question as to whether it applies 10 MR. J. ANDERSON: Objection. 11 to an elected official or not. And in that sense, 11 MR. BUYCK: In a matter of law. 12 to answer your question directly, I did not have THE WITNESS: Well, I suppose they 13 could have. I don't know if it was offered as a 13 any discussions regarding removal of Mr. Beckert 14 from any of his offices to someplace else as a 14 solution. 15 result of these discussions we're having here. 15 BY MR. CROSBY: Q. That -- it would be council that would 16 Q. Well, it has two categories of people, 16 17 have to make that decision, correct? It wouldn't 17 either employees or non-employees? 18 A. Right. 18 be --19 Q. And Mr. Beckert, what you told me, is 19 A. It's not me. 20 Q. You wouldn't have that power? 20 not an employee? 21 A. Huh-uh. Maybe the governor. 21 MR. J. ANDERSON: Objection. 22 Q. And with regard to the employees, there 22 THE WITNESS: In my interpretation, 23 Mr. Beckert is an elected official and not an 23 is certain rules set out in here about conduct and

18 (Pages 66 - 69)

24 a lot of other stuff, but how employees are to

25 conduct themselves as county employees. And there

24 employee in the sense that he's required to work a 25 40-hour week, that he's required to accrue vacation

Holland, Aliciav. Beaufort County et al			
Page 70	Page 72		
1 is also expectations that the county is going to	1 automatically have all the knowledge and		
2 endeavor to provide that nonhostile,	2 intelligence and experience to manage and conduct		
3 harassment-free workplace for the employees	3 employees or procedures.		
4 A. Yes.	4 And so it's a handbook, not only for		
5 Q correct?	5 the employees you hire, but it's also a handbook		
6 It's a two-way street there. Employees	6 for the elected official or hiring authority to		
7 are expected to not harass people, and if the	7 understand and know those rules as well because an		
8 county sees it, the county is expected to take	8 elected official just comes from the general		
9 action to protect those employees?	9 population. There are no, quote/unquote,		
10 A. There is multiple facets of conduct	10 requirements that you have to be in business or		
11 required by a public employee. First and foremost,	11 have a certain degree. If you have the right age		
12 they have to treat the public under the same	12 and you're a resident, you probably can run for any		
13 conditions in terms of respect and appropriate	13 position. So it's it's designed to help both		
14 behavior. You can't swear at an employee or a	14 parties all parties, actually.		
15 taxpayer just because he disagrees with the amount	15 BY MR. CROSBY:		
16 on his tax bill. There is proper conduct that way.	Q. Were you ever asked by any of the		
17 There is also parameters that in	17 council members to resolve any of these issues		
18 this handbook as to how employee-to-employee	18 related to Jim Beckert in his favor one way or the		
19 conduct should be entertained in the workplace,	19 other?		
20 just to protect not only from sexual harassments,	A. Could you repeat the question, please?		
21 but in terms of providing a workplace where people	Q. Were you ever asked to resolve any of		
22 can feel safe as an employee, be able to conduct	22 the issues that would come up about Jim Beckert in		
23 their business with fellow employees without having	23 a in a fashion that was favorable to him?		
24 to worry about interference from another individual	A. There were several times where a		
25 who may disagree or just don't like the clothes	25 conflict would exist with Mr. Beckert and Maria or		
Page 71	Page 73		
1 you're wearing that day.	1 Mr. Beckert and IT, and council would ask me in		
2 And so this handbook was recommended by	2 terms of my responsibilities and duties as county		
3 outside counsel to create a standard for both	3 administrator to help resolve the issue, which I		
4 employee and employer to follow so that there would	4 did try to do. But as I was reminded by		
5 be a clear understanding that if there was a breach	5 Mr. Beckert, that he is an auditor under a separate		
6 on anyone's part, there was a basis for either	6 chapter of the South Carolina code of law and that		
7 dismissal or discipline, whatever was deemed	7 his duties and responsibilities are defined by		
8 appropriate based on the grievance or the poor	8 that, and that I have no real ability to instruct		
9 conduct.	9 him or order him or advise him as to what conduct		
Q. What you're telling me in a in a	10 would be appropriate for his office.		
11 broad sense, sort of long answer is that this is	But council did ask, as anyone would		
12 the expectation for anyone in county on county	12 in as a reasonable person, look, let's get the		
13 property, whether it be the public or employees or	13 issue on the table, let's expose our differences,		
14 anyone else, that this was expected was intended	14 and let's come to a solution so that, you know, a		
15 to provide as a guidance for behavior, period?	15 product is produced for the taxpayer.		
MR. J. ANDERSON: Objection.	16 Q. Did any individual councilman ever ask		
MR. BUYCK: Same objection.	17 you to side with Beckert or, you know, try to		
18 THE WITNESS: Yes. And it's also it	18 with regard to any of these conflicts?		
19 was designed to help you know, an elected	19 A. I don't I don't to answer your		
20 official, you don't have to be a manager of an	20 question with the word side, I think they're smart		
21 employee, you don't have any qual real	21 enough I think councilmen basically in these		
22 qualifications to hold public office, all except is	22 public meetings would encourage I would rather		

23 use the encourage -- to take a look at

24 Mr. Beckert's arguments and determine whether or

25 not any facets of his arguments had merit, and

23 you have to win the most popular vote. So there is

24 no assumption for me as a -- or from a county

25 administrator that because you get elected, you

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Ex. 3
Beaufort County Adopts Testimony:
Correspondence RE Adopting Testimony

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Hugh W. Buyck G. Wade Cooper George B. Smythe, Jr. Jeffrey H. Lappin

January 20, 2023

Via Email Only

Chelci S. Avant, Esq. Peters, Murdaugh, Parker, Eltzroth & Detrick, PA 101 Mulberry Street East Hampton, SC 29925

Re:

Alicia Holland v Beaufort County and James Beckert, Individually and in His Official

Capacity

C/A: 9:20-cv-03479-DCN-MHC (Federal District Court)

BLF File No.: 12.42

Dear Chelci:

We have considered the various "attempts to clarify topics." relative to your 30(b)(6) deposition notice. While I do not believe that these streamline the issues as set forth by Judge Cherry's rulings, we do not take issue with any of the testimony you have set forth. We agree that pursuant to Rule 30(b)(6) that the designated matters are those on which these witnesses will testify as either current or prior members of Beaufort County council, or in their role as the county administrator(s). By doing so, we do not waive any of the legal oppositions relative to Mr. Beckert not being an employee of the county, but rather a constitutional officer of the state of South Carolina.

Although cancelled by you on a prior occasion, we continue to have our IT and Personnel 30(b)(6) witnesses available. Should you still desire to go forth with these, please let us know as everyone's calendars are busy and we need to get these on the books.

In regards to the mediation, my client has suggested Carrie Fox as a potential mediator. I have not had an opportunity to run this by J.J. Anderson or whether he has any additional suggestions. Also, can't recall your providing a suggested mediator, but we're certainly amenable to mediation. We just need to get this on the books. Let's all get together on a conference call in the near future to further discuss.

BUYCK LAW FIRM, LLC January 20, 2023

With kind regards,

Yours truly,

Hugh W. Buyck

Hugh W. Buyck

HWB: aeh

cc: J.J. Anderson, Esq.

Jonathan Anderson, Esq.

Chelci Avant

From: Chelci Avant

Sent: Tuesday, January 17, 2023 9:41 AM

To: Hugh W. Buyck

Cc: Ronnie L. Crosby; Casey M. Gore; Rebecca E. Gardner; Athena Hodge; George Smythe;

Jonathan L. Anderson; JJ Anderson

Subject: RE: Holland v. Beaufort Co. & Jim Beckert

Attachments: RULE 11 LTR.pdf

Hugh -

Please see the attached letter with exhibits

(https://www.dropbox.com/scl/fo/28jwakti8zhc0cvfzjyht/h?dl=0&rlkey=xp5i4d5wj5rxailc7nvl40lsl)

Thanks,



Chelci S. Avant Attorney

803.903.1787

- <u>843.908.3132</u>
- parkerlawgroupsc.com
- □ cavant@parkerlawgroupsc.com
- 101 Mulberry St. E., P.O. Box 487, Hampton, SC 29924







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From: Chelci Avant

Sent: Friday, January 13, 2023 3:28 PM
To: 'Hugh W. Buyck' < HWB@Buyckfirm.com>

To: Hagir VV. Bayer And Bayer Million

Cc: Ronnie L. Crosby < RCrosby@parkerlawgroupsc.com>; Casey M. Gore < cgore@parkerlawgroupsc.com>; Rebecca E.

Gardner <rgardner@parkerlawgroupsc.com>; 'Athena Hodge' <Athena@Buyckfirm.com>; 'George Smythe'

<George@buyckfirm.com>

Subject: RE: Holland v. Beaufort Co. & Jim Beckert

Hugh -

Do we need to contact Judge Cherry for a telephone conference to get this resolved? I plan on emailing her Monday if we have not received a response.

Thanks,



Chelci S. Avant Attorney

- **803.903.1787**
- 843.908.3132
- parkerlawgroupsc.com
- □ cavant@parkerlawgroupsc.com
- 101 Mulberry St. E., P.O. Box 487, Hampton, SC 29924







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Please note my new email address and other contact information contained in my signature, Thanks,

From: Chelci Avant

Sent: Friday, January 6, 2023 7:54 AM

To: 'Hugh W. Buyck' < HWB@Buyckfirm.com>

Cc: Ronnie L. Crosby < RCrosby@parkerlawgroupsc.com >; Casey M. Gore < cgore@parkerlawgroupsc.com >; Rebecca E.

Gardner < rgardner@parkerlawgroupsc.com >; 'Athena Hodge' < Athena@Buyckfirm.com >; 'George Smythe'

<George@buyckfirm.com>

Subject: RE: Holland v. Beaufort Co. & Jim Beckert

Hugh -

At yesterday's status conference Judge Cherry stated we need to resolve the 30(b)(6) issues. Please confirm that Beaufort County agrees to adopt the testimony we've provided in the emails below by COB Monday, January 9th. Thanks,



Chelci S. Avant Attorney

- S 803.903.1787
- 843.908.3132
- markerlawgroupsc.com
- © 101 Mulberry St. E., P.O. Box 487, Hampton, SC 29924







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From: Chelci Avant

Sent: Wednesday, December 28, 2022 12:51 PM **To:** 'Hugh W. Buyck' < <u>HWB@Buyckfirm.com</u>>

Cc: Ronnie L. Crosby < RCrosby@parkerlawgroupsc.com >; Casey M. Gore < cgore@parkerlawgroupsc.com >; Rebecca E.

Gardner < rgardner@parkerlawgroupsc.com >; Athena Hodge < Athena@Buyckfirm.com >; George Smythe

<George@buyckfirm.com>

Subject: RE: Holland v. Beaufort Co. & Jim Beckert

Hugh -

To clarify, does the county agree to be bound by the testimony I've listed below?

Also, Judge Cherry did state that I could provide proposed testimony to the County if testimony was applicable to the disputed topics in leu of fine-tuned topics.

While I appreciate your timely response this morning, I do not appreciate your mischaracterization of our communications. Attached are two email threads that show I have been very responsive and have often followed-up on the 30(b)(6) topic testimony sent to you on *October 17th*. I do recall you being in trial for one (1) week during these communications, but please do not overlook that the testimony was sent to you over two (2) months ago. Thanks,



Chelci S. Avant Attorney

& 803.903.1787

843.908.3132

parkerlawgroupsc.com

cavant@parkerlawgroupsc.com

101 Mulberry St. E., P.O. Box 487, Hampton, SC 29924







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From: Hugh W. Buyck < HWB@Buyckfirm.com > Sent: Wednesday, December 28, 2022 11:23 AM
To: Chelci Avant < cavant@parkerlawgroupsc.com >

Cc: Ronnie L. Crosby < RCrosby@parkerlawgroupsc.com >; Casey M. Gore < cgore@parkerlawgroupsc.com >; Rebecca E.

Gardner < rgardner@parkerlawgroupsc.com >; Athena Hodge < Athena@Buyckfirm.com >; George Smythe

<George@buyckfirm.com>

Subject: RE: Holland v. Beaufort Co. & Jim Beckert

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Dear Chelci,

As we discussed last week, we will stand by the responses of the various deposition transcripts you provided. We still believe, though, that the topics are overly broad and not reasonably tailored, including the examples you provided. Many are duplicative and others are not particular.

This is especially true in regards to the multiple conclusory assertions within the Complaint. For instance, many allegations refer specifically to conduct by Beckert for which only he would have knowledge. As asserted throughout, Mr. Beckert is not a County employee but rather a State constitutional officer. Others do not specify a time or date of specific meetings and continually do not provide "reasonable particularity" as required by the Rule and Judge Cherry's rulings. She mentioned your providing "high level" questions that we can address rather than this listing which I don't think is reasonable in light of her ruling.

We have continued to offer Patrick Hill and Emily Stewart to address the IT and personnel issues set forth within the original topics of 1-4 and 9-11. Should you like to move forth on these, we are happy to try and accommodate.

Through our email chains, we have tried to reply to your inquiries and both have busy schedules. Many times I've offered a time without a reply. Others, I've been in trial or deposition so please don't make bold statements of us not being cooperative as we both work through these issues. I welcome more specific topics as contemplated by Judge Cherry's ruling.

I will be out of the office the balance of this Holiday week and return on Tuesday.

With kind regards,

Hugh W. Buyck
Buyck Law Firm, LLC
305 Wingo Way
PO Box 2424
Mount Pleasant, SC 29464
Work: 843.377.1400

Confidential & Privileged:

Cell: 843.224.2791

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From: Chelci Avant < cavant@parkerlawgroupsc.com > Sent: Wednesday, December 28, 2022 9:41 AM

To: Hugh W. Buyck < HWB@Buyckfirm.com>

Cc: Ronnie L. Crosby < RCrosby@parkerlawgroupsc.com >; Casey M. Gore < cgore@parkerlawgroupsc.com >; Rebecca E.

Gardner < rgardner@parkerlawgroupsc.com >; Athena Hodge < Athena@Buyckfirm.com >; George Smythe

<George@buyckfirm.com>

Subject: RE: Holland v. Beaufort Co. & Jim Beckert

Hugh -

We have been more than patient. I sent you the topics with proposed testimony (per Judge Cherry's request) on October 17th. To date, we have not received a response from you.

9:20-cv-03479-DCN-MHC Date Filed 06/02/23 Entry Number 121-3 Page 136 of 200 If we do not have your responses by noon on Friday, we'll let Judge Cherry know we need to discuss the 30(b)(6) topics in the upcoming status conference. Thanks, Chelci S. Avant Attorney 803.903.1787 843.908.3132 parkerlawgroupsc.com cavant@parkerlawgroupsc.com 101 Mulberry St. E., P.O. Box 487, Hampton, SC 29924 IMPORTANT: The contents of this email and any attachments are confidential. They are intended for the named recipient(s) only. If you have received this email by mistake, please notify the sender immediately and do not disclose the contents to anyone or make copies thereof, Please note my new email address and other contact information contained in my signature. Thanks. From: Chelci Avant Sent: Tuesday, December 27, 2022 10:07 AM To: Hugh W. Buyck < HWB@Buyckfirm.com> Cc: Ronnie L. Crosby < RCrosby@parkerlawgroupsc.com >; Casey M. Gore < cgore@parkerlawgroupsc.com >; Rebecca E. Gardner < rgardner@parkerlawgroupsc.com >; Athena Hodge < Athena@Buyckfirm.com >; George Smythe <George@buyckfirm.com> Subject: RE: Holland v. Beaufort Co. & Jim Beckert Hugh -Just following up on the email below. We were supposed to receive your response last week. Thanks, Chelci S. Avant Attorney 803.903.1787 843.908.3132 parkerlawgroupsc.com

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cavant@parkerlawgroupsc.com

Please note my new email address and other contact information contained in my signature. Thanks,

101 Mulberry St. E., P.O. Box 487, Hampton, SC 29924

•	
From: Chelci Avant Sent: Friday, December 16, 202 To: Hugh W. Buyck < HWB@Bu Subject: FW: Holland v. Beaufo	yckfirm.com>
	Chelci S. Avant Attorney 803.903.1787 843.908.3132 parkerlawgroupsc.com cavant@parkerlawgroupsc.com 101 Mulberry St. E., P.O. Box 487, Hampton, SC 29924
	email and any attachments are confidential. They are intended for the e received this email by mistake, please notify the sender immediately and cone or make copies thereof.
Please note my new email address	s and other contact information contained in my signature. Thanks,
Cc: 'Athena Hodge' < Athena@E < janderson@arslawsc.com >; 'N	uyckfirm.com>; 'George Smythe' < <u>George@buyckfirm.com</u> > <u>Buyckfirm.com</u> >; 'Jonathan L. Anderson' < <u>landerson@arslawsc.com</u> >; 'JJ Anderson Molly C. Jankowski' < <u>mjankowski@arslawsc.com</u> >; Ronnie L. Crosby com>; Casey M. Gore < <u>cgore@parkerlawgroupsc.com</u> >; Rebecca E. Gardner com>
Hugh – Just following up on this. It's be Thanks,	een several weeks.
	Chelci S. Avant Attorney 803.903.1787 843.908.3132 parkerlawgroupsc.com cavant@parkerlawgroupsc.com 101 Mulberry St. E., P.O. Box 487, Hampton, SC 29924

9:20-cv-03479-DCN-MHC	Date Filed 06/02/23	Entry Number 121-3	Page 138 of 200
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0

From: Chelci Avant

Sent: Monday, October 17, 2022 3:19 PM

To: Hugh W. Buyck < HWB@Buyckfirm.com">HWB@Buyckfirm.com; George Smythe < George@buyckfirm.com>

Cc: Athena Hodge < Athena@Buyckfirm.com; Jonathan L. Anderson < landerson@arslawsc.com; JJ Anderson

<janderson@arslawsc.com>; Molly C. Jankowski <mjankowski@arslawsc.com>; Ronnie L. Crosby

< RCrosby@parkerlawgroupsc.com >; Casey M. Gore < cgore@parkerlawgroupsc.com >; Rebecca E. Gardner

<rgardner@parkerlawgroupsc.com>

Subject: RE: Holland v. Beaufort Co. & Jim Beckert

Hugh,

Below is my attempt to clarify topics. I've also listed testimony by County employees – this testimony addresses questions within each topic should The County choose to designate this testimony as its own rather than prepare a representative as to the information contained in each deposition designation. However, these deposition designations do not represent The County's testimony and/or knowledge as a whole – in accordance with Judge Cherry's order, please review these topics and designations, and we'll schedule a phone conference to discuss. Even with the deposition designations, we still may need to depose The County on specific topics.

Topic 5: The allegations contained in Plaintiff's Complaint.

We plan to ask The County about the following paragraphs in Plaintiff's Complaint:

- 15
- 19
- 22
- 23
- 24
- 25
- 29
- 39
- 42
- 72
- 75
- 76
- 77
- 79
- 81
- 82

Topic 6: Instances of harassment involving Beckert.

We plan to question a representative on instances described in Alicia Holland's Complaint as well as Maria Walls's Complaint. This topic also encompasses instances provided via discovery responses and/or deposition testimony (including Alicia Holland's and Maria Walls's).

Testimony of County Employees:

- Sommerville:
 - 0 6:1 6:16
 - o 10:7 10:13
 - 0 17:14 17:17
 - 0 18:20 18:24
 - 0 23:20 24:12
 - o 24:25 25:3
 - o 28:19 28:22
- Kubik:
 - o 14:19 15:11
 - o 16:23 17:9
 - o 19:15 20:6
 - 0 21:12 21:15
 - o 22:9 22:22
 - o 37:13 38:5
 - o 50:4 50:8
 - o 51:10 51:14
 - o 120:7 120:17
 - o 125:17 126:7
- Gregory:
 - o 13:8 13:16
 - o 13:20 14:9
 - 0 15:10 15:24
 - o 16:4 16:17
 - 0 19:11 19:19
 - 0 34:5 34:16

Topic 7: Instances of bullying involving Beckert.

We plan to question a representative on instances described in Alicia Holland's Complaint as well as Maria Walls's Complaint. This topic also encompasses instances provided via discovery responses and/or deposition testimony (including Alicia Holland's and Maria Walls's).

Testimony of County Employees:

- Sanders:
 - 0 10:5 10:15
 - 0 11:5 11:17
- Kubik:
 - 0 37:13 38:5

Topic 8: Instances of inappropriate behavior involving Beckert.

We plan to question a representative on instances described in Alicia Holland's Complaint as well as Maria Walls's Complaint. This topic also encompasses instances provided via discovery responses and/or deposition testimony (including Alicia Holland's and Maria Walls's).

Testimony of County Employees:

- Keaveny:
 - o 22:15 23:1
 - o 48:2 51:17
 - o 92:24 93:5
- Sanders:
 - o 9:18 10:1
 - o 21:8 21:13
- Sommerville:

- 0 6:1-6:16
- 0 7:23 8:2
- o 9:16 9:18
- 0 10:7 10:13
- o 17:14 17:17
- o 18:20 18:24
- 0 23:20 24:12
- o 24:25 25:3
- Kubik:
 - 0 8:12 8:16
 - o 13:12 13:22
 - o 14:4 15:11
 - o 16:23 17:9
 - 0 19:15 20:6
 - 0 21:12 21:15
 - o 37:13 38:5
 - o 40:21 42:2
 - o 50:4 50:8
 - o 51:10 51:14
 - o 53:7 53:24
 - o **54:17 55:7**
 - o 64:20 65:5
 - o 118:1 118:7
 - 0 120:7 120:17
 - 0 122:1 122:24
 - o 125:17 126:7
- Gregory:
 - 0 34:5 34:16
 - o 35:2 35:5
 - 0 37:2 37:6

Topic 12: The role of County Council over the day-to-day operation of The County.

We essentially want to know what, if any, role The County has over the day-to-day operations of The County. Does County Council wholly rely on the Administrator? Does Council field complaints from employees? Does Council involve itself in the operations of different departments?

Testimony of County Employees:

- Flewelling:
 - o 24:10 24:18
 - 0 25:2 26:16
- Keaveny:
 - o 15:20 17:9
 - 0 20:3 20:4
- Sommerville:
 - o 28:19 28:22
- Kubik:
 - o 59:16 60:24
 - o 61:10 63:12
 - o 69:22 72:14

Topic 13: The role County Council over the Auditor's office and/or responsibilities.

We understand that this is laid out by statute, however, the actions of some Council members and testimony offered does not paint a clear picture. Does County Council interfere with the Auditor's office? Does Council members involve

themselves in the Auditor's accusations and/or presentations (see Hervochon's deposition)? Essentially, we'd like to ask a County representative how the statute differs from reality.

Testimony of County Employees:

• Keaveny:

- o 15:20 17:9
- 0 20:3 20:4
- Kubik:
 - o 45:13 45:22
 - 0 46:2 46:21
 - o 55:8 57:5
 - o 57:23 58:1
 - o 59:16 60:24
 - 0 61:1--63:12
 - 0 64:7 64:14
 - o 69:22 72:14
- Gregory:
 - o 29:19 30:3
 - 0 36:19 37:6
 - 0 37:24 38:4
 - 0 39:18 40:4

Topic 14: The role of the Auditor in calculating The County's millage.

There seems to be some confusion as to whether Beckert has a roll in calculating The County's millage. We'd like to get a clear answer on that as well as go over instances involving Beckert's millage calculations and/or accusations and why they were entertained.

Testimony of County Employees:

- Sommerville:
 - o 29:21 30:14
- Hervochon:
 - 0 10:22 11:8
- Keaveny:
 - o 48:14 50:9
- Cadd:
 - 0 14:13 15:25

Topic 15: The relationship between County Council members and Beckert.

It's been alleged in Plaintiff's Complaint that Beckert has acted like a silent County Council member. We'd like to get The County's stance on its Council Members' relationships with Beckert, both professionally and personally.

Testimony of County Employees:

- Kubik:
 - o 26:8 27:8
 - o 55:8 57:5
 - o 83:19 85:2
- Hervochon:
 - o 10:3 10:9
 - 0 19:9 19:14

Topic 16: All litigation involving The County and Beckert.

If The County is willing to accept the testimony referenced below, then I believe we can cross this topic off of our list. Testimony of County Employees:

- Keaveny:
 - o 57:15 60:13

- 60:22 62:1
- Greenway:
 - o 33:12 33:24

Topic 17: Control over County real and personal property and the identity of the person charged with the responsibility of ensuring said property is used in accordance with applicable policies and procedures.

In our Response to your Motion, we narrowed down this topic a bit – Plaintiff will inquire as to all real properties owned and/or controlled by The County that Beckert has and/or had an office, staff and/or frequented, we well as real properties which house an elected official's office. As to personal property, computer, Information Technology, mailroom and/or postage, websites, phone systems, etc. which both employees and elected officials have access to. Testimony of County Employees:

- Keaveny:
 - o 20:5 20:17
- Greenway:
 - o 12:16 13:25
 - 0 73:17 74:18
- Sommerville:
 - 0 23:2 23:10
- Bechtold:
 - 0 11:3 11:20
- Kubik:
 - o 58:5 58:13
 - o 65:22 66:18
 - 0 69:2 69:14
- Gregory:
 - o 18:14 18:18
 - 0 19:4 19:19
 - 0 39:1 40:4

Topic 18: Each action considered by The County in response to allegations concerning Beckert's conduct, including the specific action considered, the date of each consideration, and the identity of the person(s) involved in each consideration.

We'd like to know all courses of action considered by The County and/or County Council in response to Beckert's behavior. The deposition designations below discuss *some* courses of action considered by The County. Testimony of County Employees:

- Keaveny:
 - o 62:2 62:11
- Sommerville:
 - 0 13:22 14:17
 - 0 16:12 16:23
 - 0 21:11 21:23
 - o 22:16 23:1
 - o 23:5 23:10
 - o 36:20 37:8
- Bechtold:
 - 0 11:3 11:20
 - 0 14:3 16:14
- Kubik:
 - 66:7 66:18
 - 0 68:19 69:1
 - o 80:14 83:17
 - o 89:24 90:3

o 90:23 - 90:25

Topic 19: Each action taken by The County in response to allegations concerning Beckert's conduct, including the specific action taken, the date each action was taken, and the identity of the person(s) involved in each action. We'd like to know each action taken by The County and/or County Council in response to Beckert's behavior. The deposition designations below discuss *some* taken by The County. Testimony of County Employees:

- Sanders:
 - o 25:9 25:20
- Greenway:
 - 0 34:3 34:16
 - o 36:8 37:3
 - o 37:23 38:5
 - o 39:9 39:17
 - o 41:16 45:8
- Sommerville:
 - o 11:5 11:14
 - o 11:24 12:16
 - 0 16:12 16:23
 - o 17:23 18:19
 - o 21:11 21:23
 - o 22:16 23:1
 - o 32:12 33:7
- Bechtold:
 - o 11:3 11:20
 - 0 14:3 16:14
- Kubik:
 - o 11:9 11:15
 - o 12:22 13:14
 - o 15:8 15:21
 - o 20:3 20:21
 - o 23:5 23:17
 - 0 38:7 39:4
 - o 4-:21 42:2
 - o **57:23 58:1**
 - 58:5 58:1364:7 64:14
 - o 65:2 65:10
 - o 68:19 69:14
 - 0 00.15 05.1
 - o 94:3 94:10
 - o 136:5 137:4

If we think of anything else, we'll send it your way. Thanks,

9:20-cv-03479-DCN-MHC Date Filed	06/02/23	Entry Number 121-3	Page 144 of 200
Chelci S. Avar Attorney 803.903.1787 843.908.3132 parkerlawgroup: cavant@parkerl 101 Mulberry St	sc.com lawgroupsc.co	<u>m</u> 487, Hampton, SC 29924	
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From: Hugh W. Buyck < HWB@Buyckfirm.com > Sent: Thursday, October 13, 2022 4:44 PM To: Chelci Avant < cavant@parkerlawgroupsc.com >; Cc: Athena Hodge < Athena@Buyckfirm.com >; Jonat < janderson@arslawsc.com >; Molly C. Jankowski < M < RCrosby@parkerlawgroupsc.com >; Casey M. Gore < rgardner@parkerlawgroupsc.com > Subject: RE: Holland v. Beaufort Co. & Jim Beckert	than L. Ande njankowski@	rson < <u>landerson@arslaws</u> arslawsc.com>; Ronnie L.	<u>c.com</u> >; JJ Anderson Crosby
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Hugh W. Buyck Buyck Law Firm, LLC 305 Wingo Way PO Box 2424 Mount Pleasant, SC 29464 Work: 843.377.1400

Work: 843.377.1400 Cell: 843.224.2791

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From: Chelci Avant < cavant@parkerlawgroupsc.com >

Sent: Thursday, October 13, 2022 4:03 PM

lo: Hugh W. Buyck < HWB@Buyckfirm.com >; George Smythe < George@buyckfirm.com >					
Cc: Athena Hodge < Athena@Buyckfirm.com ; Jonathan L. Anderson < Ianderson@arslawsc.com ; JJ Anderson					
<janderson@arslawsc.com>; Molly C. Jankowski <mjankowski@arslawsc.com>; Ronnie L. Crosby</mjankowski@arslawsc.com></janderson@arslawsc.com>					
< <u>RCrosby@parkerlawgroupsc.com</u> >; Casey M. Gore < <u>cgore@parkerlawgroupsc.com</u> >; Rebecca E. Gardner					
<pre><rgardner@parkerlawgroupsc.co< pre=""></rgardner@parkerlawgroupsc.co<></pre>	<u>m</u> >				
Subject: Holland v. Beaufort Co. 8	& Jim Beckert				
-					
Hugh & George:					
I'll get you updated topics (more	specific) and testimony by Monday.				
Thanks,					
	Objects' O. Assess				
	Chelci S. Avant				
	Attorney				
	803.903.1787				
1	843.908.3132				
	parkerlawgroupsc.com				
cavant@parkerlawgroupsc.com					
	101 Mulberry St. E., P.O. Box 487, Hampton, SC 29924				

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Please note my new email address and other contact information contained in my signature. Thanks,

PARKER : ...

January 17, 2023

Hugh W. Buyck (via email) George B. Smythe, Jr. (via email) BUYCK & SANDERS, LLC 305 Wingo Way Post Office Box 2424 Mount Pleasant, SC 29465

RE: Alicia Holland v. Beaufort County and James Beckert

Case No.: 9:20-cv-03479-DCN-MHC

Hugh:

As you know, Judge Molly Cherry asked us to resolve the issue Beaufort County has with Plaintiff's 30(b)(6) topics. This request was made on October 5, 2022 during the status conference on this issue. At said conference, Judge Cherry stated that Plaintiff's counsel could either (1) redraft fine-tuned topics OR (2) propose testimony of persons already deposed for Beaufort County to adopt as its own in lieu of providing duplicative testimony. In accordance with Judge Cherry's instructions, I emailed you clarified topics and a list of proposed testimony of Beaufort County employees. Exhibit A. Since October 17, 2022, the following has occurred:

- November 9, 2022: I emailed you to follow-up on the October 17, 2022 email containing clarified topics and a list of proposed testimony of Beaufort County employees as Plaintiff's counsel did not receive any response. Exhibit B.
- November 15, 2022: I emailed you to follow-up (again) on the October 17, 2022 email containing clarified topics and a list of proposed testimony of Beaufort County employees as Plaintiff's counsel did not receive any response from the October 17, 2022 email or the November 9, 2022 email. Exhibit C.
- November 17, 2022: You asked to speak via telephone. Exhibit D.
- November 28, 2022: We set a telephone call for December 1, 2022. Exhibit E.
- December 1, 2022: You failed to call my cell phone as agreed upon in Exhibit F.
- December 1, 2022: You asked to speak via telephone after your trial in Beaufort,
 SC. Exhibit G.
- December 7, 2022: I reached out to you to schedule the phone call. Exhibit H.
- December 15, 2022: I reached out to you to schedule the phone call. Exhibit I.

PARKER

- December 16, 2022: You and I spoke on the phone, during which you agreed to respond to my October 17, 2022 email by the end of the following week.
- December 27, 2022: I emailed you to follow-up on your response to the October 17, 2022 email. Exhibit J.
- December 28, 2022: I emailed you *again* to follow-up on a response to the October 17, 2022 email. Exhibit K.
- December 28, 2022: You responded to my December 28, 2022 email, stating the county would stand by the testimony provided in the October 17, 2022 email while objecting to the testimony all the same. You also argued that Plaintiff's counsel providing testimony did not comply with Judge Cherry's instructions, however, you acknowledged Plaintiff's counsel proposing testimony in an email on October 13, 2022. Exhibits L & M.
- December 28, 2022: I responded asking for clarification "To clarify, does the county agree to be bound by the testimony I've listed below?" Exhibit N.
- January 5, 2023: A status conference was held before Judge Cherry. At said conference, Judge Cherry encouraged us to resolve the 30(b)(6) issue.
- January 6, 2023: I emailed you again asking for clarification. Exhibit O.
- January 13, 2023: I emailed you again asking for clarification and letting you know our next step would be to contact Judge Cherry. Exhibit P.

As you can see from the timeline above and the attached exhibits, Plaintiff's counsel has worked diligently to resolve *your* issues with our 30(b)(6) topics. Instead of your cooperation, we have received little to no response. Please confirm, in writing, that Beaufort County will be bound to the testimony detailed above (this testimony can also be found in Exhibit A) by 5:00 p.m. Friday, January 20, 2023. If no response is received, we will contact Judge Cherry for a status conference.

Sincerely,

Chelci S Avant

/CSA Enclosures.

cc: Ronnie L. Crosby (via email)
Jonathan L. Anderson (via email)
Jonathan J. Anderson (via email)

Ex. 3
Beaufort County Adopts Testimony:
Topic 6: Instances of Harassment Involving Beckert



Deposition of: **Suzanne D. Gregory**

April 7, 2021

In the Matter of:

Holland, Aliciav. Beaufort County et al

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	Holland, Aliciav. E	eau	for County et al
	Page 10		Page 12
1	fairly familiar with them. It's been a while.	1	employees, assisting department heads with issues
2	Q. For example, is there a personnel	2	they had, answering employee questions, open
3	handbook you're familiar with?	3	enrollment, dealing with various benefit vendors.
4	A. Yes.	4	That's what I can think of off the top of my head.
5	Q. Okay. What's your understanding of	5	Q. Okay. And sounds like you had a lot
6	of policies in the workplace, their purpose, and	6	a lot you were responsible for, so I won't take
7	what they are?	7	that as an exhaustive list.
8	A. They help guide employees and, in some	8	A. Thank you.
9	cases, management in knowing what they are supposed	9	Q. So based off what you just said, you
10	to do and not supposed to do and how certain	10	would you would answer employee questions?
11	procedures are handled. So it provides guidance.	11	A. That was part of my job, yes.
12	Q. Guidance on acceptable behavior in the	12	Q. And would those questions oftentimes be
13	workplace?	13	about different policies within Beaufort County?
14	A. In addition to other things, yes.	14	A. Yes. It could be various. That
15	Q. Would policies and procedures also set	15	that would be one of the types of questions, yes.
16	the standard for employees?	16	Q. All right. Open up that handbook to
17	A. To some extent, yes.	17	Page 6. Under the introduction heading, the second
18	Q. Do policies and procedures also let	18	paragraph that starts with: Our success as a
19	employees know where to turn to for help?	19	county.
20	A. I believe so. Yes, ma'am.	20	A. Uh-huh.
21	Q. And when I say turn to for help, I	21	Q. Why don't you read that for the record,
22	mean, you know, do they go to their immediate	22	please?
23	supervisor, do they go to human resources, what	23	A. Our success as a county is built upon
24	type of paperwork would be filled out, that sort of	24	recognition of the skills and efforts made by each
25	thing; kind of the procedural side of an issue.	25	employee, and our policy is to work with all
-			
	Page 11 A. I don't recall the details in the	1	Page 13 members of this team in a professional manner and
1			treat each team member with dignity and respect.
2	handbook, but I believe there would be some	3	Q. All right. And and this personnel
3	guidance in there.	4	handbook, as a policy of Beaufort County, was
4	Q. Okay. I've got the handbook here for you. And let's mark that as Exhibit 1.	5	was endorsed by county administration?
5		6	A. Yes.
6	(PLF. EXHIBIT 1, Beaufort County	7	Q. And at the bottom of Page 6, there is
7	Personnel Handbook, was marked for identification.)		
8	MR. BUYCK: Thank you. There you go.	8	an anti-harassment policy. What's your
9	THE WITNESS: Thank you.		understanding of the anti-harassment policy? A. That as an as an entity we don't
10	BY MS. AVANT:	10	tolerate harassment from employees, management,
11	Q. Do you recognize this personnel	12	
12	handbook?		that the workplace should be free of any any
13	A. Yes.	13	type of harassment.
14	Q. Is this the handbook that was		Q. And would that include sexual
15	distributed during your time as director of human	15	harassment? A. Yes.
16	resources for Beaufort County?	16	
17	A. Yes.	17	Q. And I believe sexual harassment is
18	Q. Now, as director of human resources,	18	addressed on the next page there, Page 7.
19	before we get into this handbook, what were your	19	A. Okay.
20	job duties?	20	Q. And under sexual harassment, it defines
21	A. There were quite a few of them, but	21	it as unwelcome sexual advances, requests for
22	generally speaking, I oversaw the human resources	22	sexual favors and other physical, verbal, or visual
23	department which handled benefits, compensation	23	conduct based on sex constitutes sexual harassment
24	matters, policy interpretation, the timekeeping	24	when and then they they name off a couple of
25	system, different programs that we had for	25	examples.

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		Page 14			
1	And the last example is: The conduct		1	corrective action,	

	,		
	Page 14		Page 16
1	And the last example is: The conduct	$\frac{1}{2}$	corrective action, I want you to read that first
2	has the purpose or effect of unreasonably	2	paragraph for me. If management concludes, is how
3	interfering with a individual's work performance or	3	it begins.
4	creating an intimidating, hostile, or offensive	5	A. If management concludes that a complaint of harassment has merit, appropriate
5	work environment.	6	action is taken. Employees may be disciplined.
6	Is that your understanding of sexual harassment?	7	Non-employees may be reported to the appropriate
7	A. Yes. That that's one of the	8	law enforcement agency and/or barred from the
8		9	premises.
10	criteria, yes.	10	Q. What is your understanding of a
	Q. And the next section there, Section1.5, the complaint procedure and investigation, is	11	non-employee?
11 12	part of that proper procedure to report an incident	12	A. That could be anyone who is not
13	to the human resources director?	13	employed by Beaufort County. That could be a
	A. Yes.	14	customer, a vendor, anyone who is not on the county
14	Q. And did you often receive complaints of	15	employee roster.
16	sexual harassment from Beaufort County employees?	16	Q. Could it be an elected official?
17	MR. BUYCK: Note my objection.	17	A. It could be, yes.
18	You can answer.	18	Q. The next little portion there that is
19	BY MS. AVANT:	19	under the heading important, it says: Complaints
20	O. You still answer.	20	made to members of management or to the human
21	A. Oh, I'm sorry. Not often. I'm I'm	21	resources director excuse me involve the
22	trying to remember if if I received any that	22	completion of a written complaint report.
23	were characterized as sexual harassment. But it	23	A. I'm sorry. Where are you?
24	certainly was not often, no.	24	Q. Underneath corrective action
25	Q. Would a complaint have to be	25	A. And that
-	Page 15		Page 17
1	characterized as sexual harassment to be to be	1	Q there is a
2	investigated as sexual harassment? And what I mean	2	A. Oh, okay.
3	by that is would the complainant have to come in	3	Q a bold: Important.
4	and use the term sexual harassment for you as the	4	A. Okay.
5	director of human resources to take that complaint	5	Q. And it's basically just saying that any
6	and investigate it as a sexual harassment issue?	6	complaint made to you would be documented in a
7	A. No. It it would depend on the	7	written complaint report. Is that your
8	conversation I had with the employee to determine	8	understanding of the procedure you're supposed to
9			and of the procedure you're supposed to
10	if it fell under the sexual harassment category.	9	take as human resources director?
10	if it fell under the sexual harassment category. Q. All right. And the last paragraph	9	
11			take as human resources director?
	Q. All right. And the last paragraph	10	take as human resources director? MR. BUYCK: Note my objection.
11	Q. All right. And the last paragraph there, it says: Every harassment allegation is	10 11	take as human resources director? MR. BUYCK: Note my objection. THE WITNESS: Yes. BY MS. AVANT: Q. So any complaint that's brought to you
11 12	Q. All right. And the last paragraph there, it says: Every harassment allegation is investigated.	10 11 12	take as human resources director? MR. BUYCK: Note my objection. THE WITNESS: Yes. BY MS. AVANT: Q. So any complaint that's brought to you is documented in a in a written report?
11 12 13	Q. All right. And the last paragraph there, it says: Every harassment allegation is investigated. What type of investigative measures are	10 11 12 13	take as human resources director? MR. BUYCK: Note my objection. THE WITNESS: Yes. BY MS. AVANT: Q. So any complaint that's brought to you is documented in a in a written report? A. Uh-huh. Yes.
11 12 13 14	Q. All right. And the last paragraph there, it says: Every harassment allegation is investigated. What type of investigative measures are taken by you?	10 11 12 13 14	take as human resources director? MR. BUYCK: Note my objection. THE WITNESS: Yes. BY MS. AVANT: Q. So any complaint that's brought to you is documented in a in a written report? A. Uh-huh. Yes. Q. And where are those reports kept?
11 12 13 14 15	Q. All right. And the last paragraph there, it says: Every harassment allegation is investigated. What type of investigative measures are taken by you? A. Depending on the claim, typically	10 11 12 13 14 15	take as human resources director? MR. BUYCK: Note my objection. THE WITNESS: Yes. BY MS. AVANT: Q. So any complaint that's brought to you is documented in a in a written report? A. Uh-huh. Yes. Q. And where are those reports kept? A. At this time, I don't know. I haven't
11 12 13 14 15 16	Q. All right. And the last paragraph there, it says: Every harassment allegation is investigated. What type of investigative measures are taken by you? A. Depending on the claim, typically speaking, we would get a statement from the person who is alleging the harassment, we would get a list of anybody that they indicated would be witnesses	10 11 12 13 14 15 16 17 18	take as human resources director? MR. BUYCK: Note my objection. THE WITNESS: Yes. BY MS. AVANT: Q. So any complaint that's brought to you is documented in a in a written report? A. Uh-huh. Yes. Q. And where are those reports kept? A. At this time, I don't know. I haven't been there for over a year.
11 12 13 14 15 16 17	Q. All right. And the last paragraph there, it says: Every harassment allegation is investigated. What type of investigative measures are taken by you? A. Depending on the claim, typically speaking, we would get a statement from the person who is alleging the harassment, we would get a list of anybody that they indicated would be witnesses to that harassment, we would get statements from	10 11 12 13 14 15 16 17 18 19	take as human resources director? MR. BUYCK: Note my objection. THE WITNESS: Yes. BY MS. AVANT: Q. So any complaint that's brought to you is documented in a in a written report? A. Uh-huh. Yes. Q. And where are those reports kept? A. At this time, I don't know. I haven't been there for over a year. Q. Do you recall where they were kept when
11 12 13 14 15 16 17	Q. All right. And the last paragraph there, it says: Every harassment allegation is investigated. What type of investigative measures are taken by you? A. Depending on the claim, typically speaking, we would get a statement from the person who is alleging the harassment, we would get a list of anybody that they indicated would be witnesses to that harassment, we would get statements from those witnesses, we would certainly talk to the	10 11 12 13 14 15 16 17 18 19 20	take as human resources director? MR. BUYCK: Note my objection. THE WITNESS: Yes. BY MS. AVANT: Q. So any complaint that's brought to you is documented in a in a written report? A. Uh-huh. Yes. Q. And where are those reports kept? A. At this time, I don't know. I haven't been there for over a year. Q. Do you recall where they were kept when you were there?
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11 12 13 14 15 16 17 18 19 20	Q. All right. And the last paragraph there, it says: Every harassment allegation is investigated. What type of investigative measures are taken by you? A. Depending on the claim, typically speaking, we would get a statement from the person who is alleging the harassment, we would get a list of anybody that they indicated would be witnesses to that harassment, we would get statements from those witnesses, we would certainly talk to the person who had been alleged to to harass; and review all the information, the who, what, when,	10 11 12 13 14 15 16 17 18 19 20 21 22	take as human resources director? MR. BUYCK: Note my objection. THE WITNESS: Yes. BY MS. AVANT: Q. So any complaint that's brought to you is documented in a in a written report? A. Uh-huh. Yes. Q. And where are those reports kept? A. At this time, I don't know. I haven't been there for over a year. Q. Do you recall where they were kept when you were there? A. They would have any report made would have either been on the hard drive, the
11 12 13 14 15 16 17 18 19 20 21 22 23	Q. All right. And the last paragraph there, it says: Every harassment allegation is investigated. What type of investigative measures are taken by you? A. Depending on the claim, typically speaking, we would get a statement from the person who is alleging the harassment, we would get a list of anybody that they indicated would be witnesses to that harassment, we would get statements from those witnesses, we would certainly talk to the person who had been alleged to — to harass; and review all the information, the who, what, when, why, how, and make a determination and get with	10 11 12 13 14 15 16 17 18 19 20 21 22 23	take as human resources director? MR. BUYCK: Note my objection. THE WITNESS: Yes. BY MS. AVANT: Q. So any complaint that's brought to you is documented in a in a written report? A. Uh-huh. Yes. Q. And where are those reports kept? A. At this time, I don't know. I haven't been there for over a year. Q. Do you recall where they were kept when you were there? A. They would have any report made would have either been on the hard drive, the county network, I guess, or in a legal file in my
11 12 13 14 15 16 17 18 19 20 21 22	Q. All right. And the last paragraph there, it says: Every harassment allegation is investigated. What type of investigative measures are taken by you? A. Depending on the claim, typically speaking, we would get a statement from the person who is alleging the harassment, we would get a list of anybody that they indicated would be witnesses to that harassment, we would get statements from those witnesses, we would certainly talk to the person who had been alleged to to harass; and review all the information, the who, what, when,	10 11 12 13 14 15 16 17 18 19 20 21 22	take as human resources director? MR. BUYCK: Note my objection. THE WITNESS: Yes. BY MS. AVANT: Q. So any complaint that's brought to you is documented in a in a written report? A. Uh-huh. Yes. Q. And where are those reports kept? A. At this time, I don't know. I haven't been there for over a year. Q. Do you recall where they were kept when you were there? A. They would have any report made would have either been on the hard drive, the

Page 18 Page 20 1 personnel files of those involved? Q. And -- and just off the top of your 2 head, do -- can you give me some examples of the 2 A. No, not to my knowledge. type of training that Beaufort County wanted its 3 3 Q. What is your understanding of the 4 computer acceptable use policy? employees to receive? And I understand some of it 5 A. As -- as I can remember it, it was not may be job-specific. I'm --A. Right. to be used for personal use, to view any obscene 6 7 material. It was a lengthy policy. That's the two 7 Q. I'm looking more for -- for something 8 things I can remember right off. 8 that every employee should have to take. 9 9 A. There was harassment training, sexual Q. Okay. And I apologize for not 10 mentioning this first. I believe a version of this 10 harassment training, diversity training, e-mail policy begins on Page 58 --11 usage training, and I believe there was one other 11 12 12 that cannot recall right now. A. Okay. 13 13 Q. -- if you want to flip to that. Q. And would elected officials also have 14 to participate in this training? 14 Is it your understanding that all 15 A. We -- it's my understanding that we 15 network systems, computers, e-mail addresses, cannot require them to participate. 16 issued cell phones, phone systems, letterhead all 16 17 Q. When an employee's hired to the county, belong to Beaufort County? 17 18 a new employee, what happens from the time they're 18 A. Yes. hired until they start performing their job duties? 19 Q. And on Page 59, there is a heading that Do they go through some training and orientation, says: Scope. What's your understanding of the 20 20 21 for example, something like that? 21 scope of this policy? 22 A. Well, pretty much as its written here, 22 A. At the time I left there, there was an 23 to -- to ensure that it's used for business 23 orientation -- new hire orientation where they filled out all the necessary paperwork, they were purposes and to protect the county and employees. 24 provided any benefits that they cared to sign up 25 Q. And -- and under Scope it lists out a Page 21 Page 19 couple of examples of -- of different types of for, signed off on any policy statements that we required. And then they were sent forth to their people that fall into -- into the scope of this 2 3 departments for departmental training. 3 policy. And these different, you know, 4 Q. And how would Beaufort County ensure 4 categorizations of people. Is it your that -- that all the things you just mentioned were 5 5 understanding that, you know, essentially anyone 6 completed when a new hire came in? 6 who is given access to county e-mail, county 7 computer systems, county network systems, a county 7 A. All of the things that I just mentioned 8 were completed in the human resources training phone, and letterhead would be under the room. And there was a checklist of all the items 9 responsibility to abide by this policy? 10 A. Yes. 10 that had to be done. Q. Okay. And that's kind of what I was 11 Q. Is it also your understanding that this 11 12 getting at. There -- there is a way to document 12 policy applies to any activity that -- that would that item A was completed, item B was completed, be in violation of sexual harassment or a hostile 13 14 work environment? 14 item C was completed, correct? 15 15 A. Yes. A. Yes. Q. And that would also include anything 16 Q. So walk me through what happens when an 16 like slander or -- or distributing deliberate 17 employee comes in and wants to -- to make a 17 complaint to you. misinformation? 18 A. Yes. 19 A. As I recall, when an employee comes in 19 20 Q. As director of human resources, were 20 with an issue, I discuss it with them. If it's a complaint regarding another employee or something, 21 21 you responsible for training provided to county 22 I -- I get the information from the employee, I ask 22 employees? A. The department was responsible for some 23 them to write a statement. And within that 23 24 statement, I also ask them to list any witnesses to 24 of the training that county employees received, whatever it is that they are complaining about.

25

Holland, Aliciav. Beaufort County et al Page 34 Page 36 1 with -- I believe it was the deputy county I'm trying to figure out why they weren't written administrator at the time and another person, down somewhere. So what is your understanding of 2 3 who I'm not sure what capacity he worked in at the comment? time, where it was very confrontational. A. A comment is something stated in a 5 Q. Did any of these ladies indicate to you conversation that -- I -- I don't know how to that Mr. Beckert was partaking in any other answer that. behavior that was more than rude, but maybe took it 7 Q. If someone were to call you about a 8 a step further? situation involving employee A and employee B, that A. Not that I can recall, no. they were not involved in, just something that they 10 Q. Are you aware that Mr. Beckert would 10 observed --11 stare into Maria Walls's window outside of her 11 A. Uh-huh. 12 office? 12 Q. -- would that be documented or would 13 A. I was -- I was told that, yes. 13 employee A have to come sit down in your office in 14 Q. Do you recall who told you that? 14 a serious manner for you to document that? 15 A. I believe it was the county 15 A. If someone came to me about employee A 16 administrator. 16 and B having a conversation or a problem, I would 17 O. And who was that at that time? I know likely contact employee A or B to look into it if 18 Beaufort County has been through quite a few 18 it was a serious matter. 19 lately. 19 Q. And did you ever contact Jim Beckert 20 A. Gary Kubic. about the, as you -- as you have termed them, 21 Q. And was that documented in your 21 comments against him? Did you ever contact him to 22 department? 22 discuss them with him? 23 A. Not in my department. I believe Gary 23 A. No. I -- I made administration aware 24 Kubic may have documented that. 24 of anything that went on because they were dealing 25 Q. Why weren't these complaints or these with him as an elected official at the time the Page 35 Page 37 comments documented anywhere? 1 best they could. 2 Q. And what were they dealing with him on? 2 A. Comments weren't documented because it 3 Was there another issue going on that you're aware 3 was casual conversation that -- that I wasn't 4 of? approached in a serious manner. It was -- it was almost just here's another Jim Beckert situation, 5 A. I -- I -- I believe there were several 5 you know, here -- and -- and it -- no one walked --6 issues going on with him, but one was his behavior. 7 Q. And when there is an issue with his no one walked into my office of the list I gave you and said: I have a problem with Jim Beckert. It 8 behavior, he was the director of human resources, was just we were talking about this, the other, and you were not involved in that? 10 then his name would come up. A. No, not directly. Because, there 10 Q. And what was the -- do you remember the again, he's an elected official, not a county 11 11 12 context of the other conversation? Was it other 12 employee, and I had no authority over him. 13 HR-related issues? 13 Q. So, if human resources doesn't have any 14 authority over him as an elected official, why did 14 A. I don't recall. human resources require him to complete an 15 Q. I guess I'm trying to figure out your orientation checklist and sign the Computer and definition of a comment --Information Systems Acceptable Use Policy and gave 17 A. Uh-huh. 17 18 Q. -- to figure out whether it's something 18 him a handbook? that should have been documented, because we looked 19 A. It's my understanding at the time this at the -- the handbook earlier, and it states in 20 was done, he was in the transition period. And 20 before he was sworn in, he was considered a county 21 there that any complaint should be documented in

10 (Pages 34 - 37)

employee -- a temporary county employee. That's

Q. Is it your understanding that once he

became an elected official, he no longer had to

why he had to complete this paperwork.

22

23

24

25

written form.

A. Uh-huh.

Q. And when you've got multiple, as you've

termed them, comments about the same individual,

22

23

24



Deposition of:

Gary T. Kubic

April 7, 2021

In the Matter of:

Holland, Aliciav. Beaufort County et al

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Holland, Aliciav. Beaufort County et al

Page 14 Q. Get my directions, maybe the 1 Mr. Beckert's actions and what your staff related 2 treasurer's office would be on the south end? 2 to you? A. Well, I don't have a compass, and I 3 A. Yes. Q. And you as their supervisor and the --4 couldn't tell you --4 5 Q. Where --5 in your role as county administrator, you had an 6 obligation to provide a nonhostile, comfortable A. -- which way the sun rose on the 7 buildings. But basically it's a rectangle building 7 workplace for your staff --8 which is divided in half, two corridors. The front 8 MR. J. ANDERSON: Object to the form. THE WITNESS: That's correct. 9 corridor facing Ribaut Road had the treasurer and 9 10 the auditor, I think a mailroom, planning on that 10 BY MR. CROSBY: Q. -- correct? 11 side. And on the other side was the clerk of 11 12 council, myself, some of my staff members for --12 I mean, it's important to -- for their 13 for Monica Spells, Beaufort County channel, and at 13 productivity and for their -- their well-being to 14 be free from any type of discomfort caused by 15 others in the workplace, correct? 15 MR. J. ANDERSON: Object to the form. 16 17 THE WITNESS: Yes. 18 BY MR. CROSBY: Q. Did any of the employees at your 20 staff -- let's keep with them right now -- did any 21 of the staff relate to you that Mr. Beckert would 22 from time to time just stare at them? 23 A. Starting with myself, yes, stare from 24 the sidewalk through my window. I used to get to 25 work early. I caught him several times just Page 15

14 the end was the HR division. So that was parallel -- there were 16 parallel corridors. And in between was a central 17 reception area at one time where the general public 18 could come in and access the offices, and that door 19 I restricted coming into my area. You could buzz 20 and have somebody come in and -- if it was a 21 taxpayer or another official, we would let them 22 through the doorway. Q. Let's go back to you -- your 24 interaction with Mr. Beckert and his staring in 25 your window. How many times did that occur? A. Well, I didn't count them, but if

1 looking through the window standing there. It was 2 kind of odd. I even had mentioned it to the 3 sheriff a few times and others. Maria Walls had indicated to me that 5 she felt that Mr. Beckert was staring at her 6 through her office window. As a result of that, I 7 think I told her to advise the sheriff as well, to 8 notify him that she felt uncomfortable. And then I 9 also authorized security cameras at that corner to 10 have the ability to video those occurrences, and 11 also for general security of the building itself. I think it -- you know, I'm -- I'm 12 13 going back. I hope I get -- Monica Spells, I 14 think, told me a few times that Mr. Beckert 15 demanded access through a card swipe to our side of 16 the building, and I told her that -- you could 17 program the various access points for those cards. 18 And as a result of talking with her, I told her not 19 to program access for Mr. Beckert on -- on that 20 doorway that accessed my office space, that area, 21 that corridor. Q. Where is your office -- I think the 22 23 treasurer's office is on the first floor of the 24 county building?

Page 17 2 you're talking about -- you know, I don't know. I 3 never really took a count. It was almost at least 4 once or twice a week. It would depend on when he 5 arrived at work, and generally I'd get there about 6 7:00, 7:30. He'd get there early as well. He 7 parked right across from my window. And I never 8 really took a count, but it was more than one, and 9 it could be, you know, 20, 30. I -- I'm not sure. Q. And he would -- you didn't -- did he 11 ever have a conversation about why it was that he 12 would stand outside your window? 13 A. No. I really never talked to him about 14 it. 15 Q. Did -- it sounds like you got to the 16 point where you were just limiting your interaction 17 with him in professional business settings? A. You know, looking through my window and 18 19 being a county administrator, I was going to use a

20 BS kind of language, but quite frankly I had more 21 important things to consider in my duties than to 22 worry about a person and why that person would be

23 staring or looking at me through my window. I just

24 thought it was unusual, and I treated it that way.

25 You know, I just -- I moved on in my daily

5 (Pages 14 - 17)

A. Yes.

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Page 18 Page 20 1 activities. 1 counsel her on visiting and -- and making sure that 2 she related those incidents to the proper Q. Just -- just to be clear, was -- were 3 authorities, that being the sheriff. I told her I 3 there other people who would routinely come to your 4 window and just stare at you? 4 would introduce a video camera to record those 5 events. And, yeah, she was visibly upset. She --A. Well, I like to think that I was a 6 it troubled her. 6 popular kind of guy and fairly good-looking, but I 7 lost all my hair, and then that kind of eliminated Q. And so while the cameras may have had a 8 that possibility pretty much. 8 secondary function of providing -- serving as 9 security, the -- the -- the initial driver was No, I don't mean to be frivolous. I 10 because of Mr. Beckert's coming and staring 10 know this is an important matter. But no. No. And what made it unique from normal 11 at Maria -- through Maria Walls's window? 11 12 traffic on the sidewalk by the public or other 12 MR. J. ANDERSON: Object to the form of 13 elected officials or staff, those occurrences 13 the question. THE WITNESS: I would say that's true. 14 occurred when it was early in the morning with only 15 I would also say that the camera is in plain view, 15 a few people in the building at that time. It was 16 and the idea was that, you know, generally if you 16 at the beginning of the day, and that's what I 17 walked in that area and you looked up or you knew 17 thought was interesting. 18 that the cameras were rolling as security that it Q. Did you ever get the sense that he was 18 19 doing it to intimidate you? 19 would maybe serve as a deterrent, which was the 20 20 ultimate intent, to stop that action from A. I don't know. I -- I have no idea what 21 he was thinking about. And quite frankly, my 21 happening. 22 BY MR. CROSBY: 22 personality, I wouldn't have thought that he was 23 doing it to intimidate -- at least I wasn't 23 Q. Did you ever learn of him staring at 24 any other employees or any employees other than 24 intimidated by it, per se, because I figured I'm a 25 yourself of the county? 25 big boy, and that's kind of incidental. So not Page 19 Page 21 A. The only other -- no. The only other 1 knowing his motives, I really don't know.

I guess it was probably to maybe create 3 a signal that he was present. But I did -- I did 4 go to the sheriff because, you know, at various 5 times I've been required to wear bulletproof vests 6 and different kinds of things on campus in Beaufort 7 County because of threats, and so just to get on 8 record -- and I didn't do it in writing; I just 9 mentioned it to the sheriff -- this is occurring in 10 the morning. And he said, well, you know, do 11 you -- do you want to continue or do you want to do 12 anything for him? 13 I said, no, I just want you to know.

Q. Just talk about his behavior toward --

16 staring with regard to Maria Walls. Did she relay 17 that to you?

14 And that was the extent of it.

18 A. Yes, several times. 19 Q. And when she relayed it, it was

20 something that she didn't like?

21 A. Yeah. That -- you know, that was -- my

22 interpretation of what Maria expressed to me in 23 those moments about Mr. Beckert looking in her

24 window, she was clearly upset, she was clearly

25 worried about physical harm. I would try to

2 employee that mentioned some occurrences outside

3 the building or along the building was Tony 4 Criscitiello, the planning director. But, again,

5 Tony didn't think too much of it, but he did

6 mention it to me that he thought Mr. Beckert was -was interested in the planning division.

I think maybe at that time Mr. Beckert 9 wanted to get a couple of tables or whatever, but

10 you'd have to check with Tony. But I think Tony 11 did mention it to me once or twice.

Q. Did Monica Spells ever tell you that

13 Beckert stared at her in the hall and made her feel 14 uncomfortable?

15 A. Yes. 16

Q. How about Melissa Beere -- Beere?

17

18 MR. KEAVENY: Beere. Melissa Beere.

19 MR. CROSBY: Beere.

20 THE WITNESS: Where does she work at?

21 MR. KEAVENY: HR.

22 BY MR. CROSBY:

23 Q. I think she worked in --

24 A. Oh, Melissa. No, I don't think I had a

25 conversation with Melissa about that.

6 (Pages 18 - 21)

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Page 22 Page 24 1 official in my opinion for a lot of reasons, and Q. Who --1 2 that the opportunity that he had was to use wisdom 2 A. I can't remember. 3 Q. Who are the staff members that --3 in talking to others who had more experience about 4 budget, about office management, about hiring 4 that -- that you're referring to that worked 5 practices, about statutory interpretation, to aid 5 under -- under you that -- directly there? A. Cheryl Harris, which was my executive 6 him in developing a level of expertise to better 7 operate his office. He rejected all those. 7 assistant. I think he took offense, quite frankly, 8 Q. Cheryl? 9 that I was a nonelected official trying to advise A. Cheryl Harris, Monica Spells, there 10 him as an elected official as to how to operate 10 were two black females who came into my office who 11 were auditor employees who wanted me to do 11 within the confines of governmental procedures. 12 something about what they thought was harassment by Q. Did you have -- ever have any 13 Mr. Beckert; and I advised them that Mr. Beckert 13 conversations with Alicia Holland about any 14 concerns she had about Mr. Beckert's conduct toward 14 was a separate elected official, and that they had 15 the opportunity to go down to the general bulletin 15 her? 16 board and look up the EEOC. And if they needed 16 A. My recollection on that topic would be 17 that I think Alicia talked to me about some of the 17 assistance in terms of how to contact the EEOC 18 differences of opinion regarding budgetary 18 about their complaints, they could go into my staff 19 HR, and they would provide numbers and forms, if 19 management and systems management. I think we had 20 disputes with the auditor's office on who had the 20 that was necessary, for them to complete. 21 responsibility of protracting and entering into 21 I don't remember their names. I 22 know -- I think they both were dismissed or fired. 22 contracts for services or product. 23 I remember I had to explain to 23 Q. Did Ebony Sanders ever relay any 24 Mr. Beckert that there's a statute that allows 24 complaints to you about Mr. Beckert? 25 council to establish the purchasing unit and 25 A. Not directly. I think her

Page 23

complaints -- I think Monica may have mentioned
 that Ebony was also concerned. But I don't -- I
 don't remember Ebony ever coming in directly and
 having that type of conversation with me.
 Q. By putting up the cameras on the
 outside of the county building, it was an attempt
 by you to deter Beckert's conduct to -- to keep him
 from looking through Maria Walls's window in
 essence?
 MR. J. ANDERSON: Object to the form.
 THE WITNESS: That was one of my
 intents. That was one of my hopes. Yes.

Q. Much as dividing off and preventing
15 Mr. Beckert from coming into your side of the
16 building was to protect your employees?
17 A. Yes.
18 MR. J. ANDERSON: Same objection.
19 BY MR. CROSBY:
20 Q. Did you ever address directly with

21 Mr. Beckert his conduct toward the employees or
22 Ms. Walls?
23 A. Indirectly I told Mr. Beckert several

24 times that he was elected and replaced Sharon
25 Burris who was literally a tragedy as an elected

1 policy. And that as the controlling entity,

2 council creates that policy. And then, you know,

3 there is buy-in from a lot of the elected

4 officials.

At times, Mr. Beckert felt that he had
sole authority on who he could contract with, what
reservices would be provided. And I think those
discussions evolved with Alicia's because the
purchasing department was part of her chain of
command.

11 Q. And would Mr. Beckert accuse her of 12 violating policies and laws with regard to what she 13 was doing?

14 A. Yes. He would -- I don't want to say 15 this -- but Mr. Beckert basically had disagreements 16 along those lines with almost everybody outside the 17 auditor's office.

18 Q. And his accusations with regard to
19 Alicia Holland's conduct, his accusations about her
20 violating laws or policies were not true?

21 MR. J. ANDERSON: Object to the form.

MR. BUYCK: Same objection.
 THE WITNESS: What upset -- they

24 weren't true. And what upset me is that Alicia

25 worked for me, and her conduct, as far as I was

7 (Pages 22 - 25)

13 BY MR. CROSBY:

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Page 34 Page 36 1 conflicts that were occurring between the auditor 1 individual -- to have to deal with a particular 2 and the treasurer at that time. 2 individual? Q. And in essence SouthData was willing to 3 A. Let me limit my answer to say that 4 give up the county's account if they had to have 4 during my time with Beaufort County, this is the 5 anymore dealings with Jim Beckert? 5 only case I've ever had where a company that we MR. J. ANDERSON: Object to the form. 6 contracted with would want to withdraw from the 7 THE WITNESS: I'm not sure exactly what 7 contract based on these types of circumstances. I 8 SouthData's position was with the overall contract 8 can't remember all the way back to 1980 and '90 9 with the county. But I think they basically had 10 told me, without this letter at the time, that they 10 Q. And who was Dave Thomas? Was he 11 did not want to take any verbal instructions from 11 someone under your supervision? 12 Mr. Beckert. A. Dave Thomas was under the chain of 13 And I kept trying to convince them that command of Alicia Holland. He was the director of 14 Maria Walls, Jim Beckert, Gary Kubic, we are trying purchasing. Since I am the county administrator, 15 to work these things out. But I guess it reached a 15 all those employees are under my chain of command, 16 point where they said, hey, it's not worth the --16 but he directly reported to Alicia Holland. 17 the business of the county. 17 Q. And it's my understanding that steps 18 BY MR. CROSBY: 18 were taken to have Maria Walls be the one that were 19 Q. It says their own Exhibit 9 for communicating with SouthData under these contracts? 20 SouthData to renew contract IFB 081214, we're 20 MR. J. ANDERSON: Object to the form. 21 requesting the county to include an addendum 21 THE WITNESS: Yes. If you understand 22 guaranteeing that SouthData will no longer be 22 the significance of this process, all general 23 required to directly communicate with the Beaufort 23 revenue created by a tax bill, real or personal, 24 County Auditor's Office. 24 came through this printing process. So the 25 So it sounds like they were 25 importance from my point of view of getting this

Page 35

1 willing to -- weren't going to renew that contract 2 if they had to deal with Jim Beaufort? A. I think what they were saying in the

4 letter, my interpretation of the letter, was they 5 were willing to continue their service with

6 Beaufort County, but not take any instruction or

7 changes from Mr. Beckert in that regard; that they

8 would continue to provide a service, but they 9 didn't want to do it with Mr. Beckert.

And I know that sounds like

11 gobbledygook, but I guess they were basically

12 saying, look, if it was Maria Walls or Gary Kubic

13 or someone else, we can handle it. But they didn't

14 want to continue the relationship as it was

15 originally established.

16 Q. In Exhibit 10 in the forth paragraph,

17 it says: We produce billing and assessment

18 documents for approximately 140 counties in the

19 southeast and have never experienced a level of

20 frustration nor have we ever requested that any

21 portion of a contract be terminated.

22 Have you ever had in your experience in

23 government ever had a private vendor make such an

24 expression that they would give up a portion of a

25 contract or make a request not to have a particular

1 done efficiently and timely was critical.

And so my directive to these folks is,

3 look, if you don't want to talk to Jim Beckert and

4 you don't want to take his phone calls, stay with

5 us, you know our system, you've been with us for a

6 while, Maria will do the contacting or I'll do the 7 contacting with you, and we'll be able to continue

8 so that the, quote/unquote, tax bills are available

9 in a timely fashion for the charging and collection

10 of the revenue produced by taxes as directed by

11 Beaufort County Council.

12 BY MR. CROSBY:

Q. In watching Jim Beckert's interaction

14 with county employees and -- as well as Maria Walls

15 over the years, would you describe his behavior or

16 his -- as -- as being of a bullying nature?

A. I would describe Mr. Beckert's actions

18 that if he didn't like you, he was very aggressive

19 in how he conducted himself amongst those

20 individuals. He was a very aggressive -- he

21 harassed everybody, I mean, to the point where I

22 know a lot of my staff, you know, didn't want to

23 meet. And I would try to make myself available as

24 a conduit, a mediator so that business could still

25 be conducted without all the friction generated by

10 (Pages 34 - 37)

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Page 38 Page 40 1 of their efforts. 1 Mr. Beckert. Q. Would his aggressiveness, would you Given those facts, Mr. Beckert gave 3 several people the impression during meetings 3 describe it as abusive toward individuals at times? 4 and -- and -- that he was just confrontational. I MR. J. ANDERSON: Object to the form. 5 5 mean, they were always nervous. And that's why I THE WITNESS: Yes. 6 tried to increase my presence at committee meetings 6 BY MR. CROSBY: 7 if I knew he was going to be there or meetings that Q. And I take it what you did by locking 8 involved Alicia or Maria, I tried to be there. 8 the doors, at least with regard to your staff and 9 his access to them, was an attempt to protect them The auditor's office and the 10 treasurer's office is hand in glove. They cannot 10 from what one would describe as a hostile 11 environment? 11 work independently and produce a product that 12 satisfies the needs of the taxpayer. They -- and 12 MR. J. ANDERSON: Object to form. 13 that's why in my opinion, and I'm going well beyond 13 THE WITNESS: I would say generally the 14 answer is yes. The idea of separation, obviously, 14 in my response, is I don't think you need in this 15 is to keep each side away from each other. And so 15 day and age of technology two separately elected 16 officials, auditor and treasurer, to generate a tax 16 my intent was to limit, because you cannot be 17 bill, whether it's personal property or real 17 exclusive. 18 In the working conditions and product 18 property. But that's -- that's for another 19 election or referendum. 19 that we were required to produce for the taxpayer, 20 BY MR. CROSBY: 20 you have occasions where people doing their 21 21 functions have to interact with others. Q. In what -- in what you've -- in your 22 response there and your prior responses, because of 22 So physically putting a lock on the 23 Mr. Beckert's aggressiveness toward individuals 23 door was one method. The second method would be to 24 working for the county and in it, he -- you created 24 try to include or avoid one-on-one situations so 25 that you'd have more people in the meetings, and 25 a system where you served as a conduit and/or, I

Page 39

- 1 the idea or intent of that was to soften and
- 2 hopefully modify behavior patterns of individuals
- 3 because they were in a group setting rather than a
- 4 one-on-one setting.
- 5 BY MR. CROSBY:
- Q. Wouldn't an ordinary functioning of 6
- 7 county government with regard to the auditor and
- 8 treasurer, would there typically just be free
- 9 access between, for example, the auditor and
- 10 someone on your staff so that they could -- if they
- 11 needed something they could reach directly out to
- 12 them?
- 13 MR. J. ANDERSON: Object to the form.
- THE WITNESS: Well, the purpose first 14
- 15 and foremost of every elected official in every
- 16 unit of government is to provide whatever their
- 17 level of duty and responsibility is to serve the
- 18 needs of the taxpayer.
- 19 Whether you like an individual or you
- 20 don't like an individual, in my world, my
- 21 authority, is not relevant. I can dislike an
- 22 employee but not confront them, verbally abuse
- 23 them. As long as their work product is 100 percent
- 24 and sufficient, I never thought I would have to
- 25 like or dislike anyone. I want to see the results

- Page 41
- 1 guess, attending more meetings sort of as a 2 protector?
- 3 MR. BUYCK: Note my objection.
- 4 BY MR. CROSBY:
- 5 Q. -- for your employees --
 - MR. J. ANDERSON: Object to the form.
- 7 BY MR. CROSBY:
- Q. I mean, the reason you did that was an
- attempt to protect your employees from
- 10 Mr. Beckert's --

6

- A. There --11
- 12 Q. -- aggressive and abusive behaviors --
- A. There were two reasons. 13
- 14 MR. BUYCK: Same objection.
- 15 MR. J. ANDERSON: Same objection.
- 16 THE WITNESS: There were two reasons:
- 17 One, the primary focus to produce a product that
- 18 would satisfy the needs of the taxpayer. Two, it
- was to make sure that those present in the meeting,
- 20 elected or not elected, understood that we are all
- 21 together to get that done, that the objective of
- 22 the meeting was to produce product. And, three, to
- 23 your point, indirectly to protect or to give
- 24 comfort from my presence to employees who felt
- 25 that -- uncomfortable with Mr. Beckert, that they

11 (Pages 38 - 41)

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Page 50 1 council to come to the same conclusions predicated 2 on what I was telling them or what I was seeing 3 occur. 4 Q. And she goes on in the next sentence 5 and says: Harassing another person by walking by 6 their office and standing there and staring at 7 them, then walking backwards to repeat staring is 8 very bizarre behavior. Who -- who was she making reference to? 10 A. Well, I don't know how she decided to 11 write that. I would probably assume, and it's 12 terrible to do this, that she had conversations 13 with Maria Walls. 14 Q. And the person that she was talking 15 about doing the harassing by staring was Jim 16 Beckert? 17 A. Yes. That's --18 MR. J. ANDERSON: Object to the form. 18 Q. Did you ever observe that he made any 19 changes in his behavior toward others as a result THE WITNESS: -- how I interpret this. 19 20 of your advice? 20 BY MR. CROSBY: Q. And you would concur with her that that 21 21 22 type of behaviors, staring and what she's outlining 23 here, is both bizarre and harassing in nature? 24 MR. J. ANDERSON: Objection. 25 MR. JJ ANDERSON: Object to the form. Page 51

Page 52 1 Bennett's directly on point. My position was as 2 county administrator, I served at the pleasure of 3 county council that my duties and responsibilities 4 were defined by county council, that -- I think I 5 told council I have no statutory ability to go to 6 an elected official and instruct an elected 7 official as to how they should conduct their office or level of operation. I basically did have conversations with 10 Mr. Beckert that, you know, arguing and being 11 aggressive with individuals doesn't achieve 12 anything, that normal disagreement is appropriate. 13 Anybody can have an idea about anything. There is 14 differences of opinions almost all the way down the 15 chain of command. But ultimately, you know, you 16 come to some resolution. And that was very 17 difficult with Mr. Beckert.

A. I don't know if he changed his behavior 22 to become less aggressive. I think he maintained 23 his persona all the way through. I don't -- I 24 don't think he ever changed any -- he -- he just 25 acted that way. That was his method of operation

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1 It's leading.
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- THE WITNESS: Well, you don't have to 2
- 3 lead me to my conclusions. I will tell you that in
- 4 the normal course of doing business, some of the
- 5 behaviors of Mr. Beckert were not normal business
- 6 procedures or strategies or behavior.
- 7 BY MR. CROSBY:
- Q. Do you concur with Ms. --
- 9 A. In my opinion.
- Q. Okay. Do you concur with Ms. Bensch's
- 11 assessment that his interactions, and if it's
- 12 referring to Ms. Walls, rose to the level of a
- 13 harassment?
- 14 A. Yes.
- 15 MR. J. ANDERSON: Objection.
- MR. BUYCK: Same objection. 16
- 17 BY MR. CROSBY:
- Q. And then she goes on, she says: Is 18
- there anyone with authority to speak with him about
- 20 limits of acceptable behavior?
- 21 Did you ever respond to her question,
- 22 either in person or in writing?
- 23 A. I don't know if I responded direct -- I
- 24 think I -- I might have responded to county council
- 25 collectively. I don't think I responded to Cynthia

- in terms of his personality and being aggressive.
- Q. Was this -- Mr. Beckert's harassing
- 3 nature of his behavior, was that ever brought to
- the attention of the council?
- 5 MR. J. ANDERSON: Object to the form.
 - MR. BUYCK: Same objection.
- 7 THE WITNESS: Are you asking me if I
- ever brought to the attention of council his
- aggressive behavior?
- 10 BY MR. CROSBY:
- 11 Q. Yes.

2

6

- I'm not sure I used the word
- 13 aggressive. I think I told council several times
- 14 that Mr. Beckert clearly was argumentative,
- 15 disruptive, unwilling to at least listen to a
- 16 contrary point of view. And I don't know if I
- 17 should be -- well, in -- in his -- in this letter,
- 18 he refers to the department of revenue. I'm going
- to expand my answer to say that I reached out to
- 20 the department of revenue to ask them for
- 21 assistance, and they basically had a difficult time
- 22 with Mr. Beckert as well, to the point where it's
- 23 my interpretation that they didn't want to get
- 24 involved with him either.
- 25 Q. And Ms. Bensch goes on to write that

14 (Pages 50 - 53)

- 1 Could you -- could you be a little more clear on --
- 2 on what you meant by aggressive?
- 3 A. Manner of speech, his countenance in
- 4 terms of sitting in a meeting and having
- 5 Mr. Beckert stare at you with intensity, those
- 6 types of observations is what I meant by a
- 7 nontypical office type behavior.
- 8 Q. Okay. So staring at you -- and I don't
- 9 want to put words in your mouth, but I don't -- you
- 10 know, we're trying -- is it -- would he be more
- 11 curt? Would he be -- would he scream at you? I
- 12 mean, what -- what's -- what does aggressive mean
- 13 when you say manner of speech?
- 4 A. You can take a look at the -- all the
- 15 committee meetings are on videotape.
- 16 Q. Uh-huh.
- 17 A. There were occasions where Mr. Beckert
- 18 would get aggressive and argumentative. So I can
- 19 recall distinctly a meeting that I tried to
- 20 create -- I think David Cadd, his assistant,
- 21 Mr. Beckert, Maria, myself, and maybe a couple of
- 22 other people -- to try to resolve issues, and I
- 23 didn't anticipate that it would generate anger by
- 24 having those two present in one room, but it -- it
- 25 did.

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- 1 assessor's office, I also think in the legal
- 2 division, I think in the tax equalization board, I
- 3 think all of the treasurer's employees, so there
- 4 were quite a few. But in the literal sense, I used
- 5 the word everybody, but obviously it's not
- 6 everybody.
- 7 Q. Okay. I'm going to ask -- I'm going to
- 8 do this annoying thing that I just did with
- 9 aggressive. Can you explain to me exactly what you
- 10 mean by the word harassment or harassed?
- 11 A. Well, in his manner of speech towards
- 12 people, we're having a conversation, we probably
- 13 are on different sides of the argument, but I'm not
- 14 angry at you. But his communication style and how
- 15 he verbally related items was not a normal
- 16 conversation that would reflect a mere difference 17 of opinion.
- 18 Q. Uh-huh.
- 19 A. His method of expression was: It's my
- 20 way, and I determine that way, and you have no
- 21 right to suggest anything different.
- Q. Okay. And is that -- is that your
- 23 definition of harassment is him being
- 24 territorial -- I'll use that word --
- 25 A. It -- it --

Page 119

- Q. Would an appropriate synonym for your
- 2 use of aggressive be passionate?
- A. Passionate is an interesting word that
- 4 I would not use to describe Mr. Beckert's behavior,
- 5 because there were times where it appeared to me
- 6 that he was just angry, and I don't believe if
- 7 you're -- if you're passionate that you're angry.
- 8 And --
- 9 Q. Okay. So your interpretation of --
- 10 A. I interpreted his actions as being
- 11 overly aggressive in trying to present his point of
- 12 view vigorously, almost as if he felt that
- 13 everybody in the room was against him.
- 14 Q. Uh-huh. You mentioned that I think
- 15 you -- I think these are your exact words, that he
- 16 harassed everybody?
- 17 A. Yeah.
- 18 Q. Okay. Do mean that literally?
- 19 A. Yeah. I do mean it literally. I
- 20 don't --
- 21 Q. Janitorial staff?
- 22 A. No. I don't think janitorial staff. I
- 23 mean, basically all my employees on my side.
- 24 Q. Uh-huh. And --
- 25 A. And then I -- and I think in the

- Page 121 MR. CROSBY: Object to the form.
- 2 BY MR. J. ANDERSON:
- Q. -- over items?
- 4 A. It could be, yes.
- 5 Q. Okay. So --
- 6 A. Now, you can ask the female employees
- 7 directly what they thought. I wasn't there, and I
- 8 can't offer an opinion. But in the --
 - Q. Sure. And like --
- 10 A. -- time -- in the conversations that I
- 11 had or in the meetings I attended --
- 12 Q. Uh-huh.

9

- 13 A. -- that was my observation, that he was
- 14 very aggressive, and that aggressive approach can
- 15 be interpreted as harassment because clearly he
- 16 didn't want to hear any other point of view.
- 17 Q. Okay. So when you equal his -- so, in
- 18 an attempt to summarize here: Him arguing for his
- 19 points in an aggressive manner is what you're
- 20 stating harassment to be?
- 21 MR. CROSBY: Object to the form.
- 22 BY MR. J. ANDERSON:
- 23 Q. Is -- is that -- I mean --
- 24 A. That's --
- Q. Correct me if I'm wrong, please.

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April 7, 2021

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	Page 122		Page 124
1		1	action is taken.
2	observed Mr I I was at a meeting at a	2	Q. Okay. Did management ever conclude
	public public meeting where Maria was speaking,	3	that a complaint of harassment has merit against
4			Mr. Beckert during your tenure there? I
5	_	01	understand
6		6	A. Are you indicating that I was the
7	that, you know: What's going on? So my	7	manager of
	interpretation of that action was he was trying to	8	
	intimidate her while she was speaking to the	9	
	general public. And he did that on several	10	
11		1	all here, sir. I'm not indicating that you are the
12			management. I'm I'm asking if this in this
13			process you know, whatever management is defined
	filming her or was		as is in this process.
15	•	15	A. Well, I guess my definition of
16			management in this section doesn't apply to county
17	A. No. Here.		council directors or administrator that I manage an
18	Q. Okay. All right. So	1	elected official.
19		19	Q. Uh-huh.
20		20	A. I don't think that was the intent of
21	A directly at her face	1	that. I think it was the intent of that language
22	Q. Uh-huh.		that department heads who are in charge of
23	A filming. And I think there are		employees are the management that is referred to in
	pictures of him doing that.		that sentence. And when they see it, they have an
25	Q. Uh-huh. All right.		avenue to report it. But I don't think I have the
23		23	
١,	Page 123	,	Page 125
1 2	A. So		management right to offer harassment charges
2	Q. Mr. Crosby asked you about in		against an elected official.
4	Exhibit 1 here, it's the personnel handbook. A. Yes.	3	Q. I I understand your position.
		100	And and while I appreciate it, I think my
5	Q. You went to Page 8, and you talked about 1.6, corrective action.		question was a little bit different. Whoever the
			management this this 1.6 says: If management
7	A. Page 8. Okay. I'm getting there. I'm		concludes and we can put aside who management is
1	with you.		at this point whether it be a whether it be a
10	Q. Now, you two spoke about the last two	1	board, whether it be the county council, whoever it
1	sentences within that paragraph. Would you read the first sentence of that		could be. Right? This is not or the
12			administrator, that's not but if that management
1	A. Did you say 1-6? Q. I did, 1.6.		concludes that a complaint of harassment has merit,
13	-		all right, appropriate action is taken. Is that
14	A. Okay. The last two sentences?		not what that says I mean, is that what that
15	Q. You two spoke about the last two	ı	says? My apologies.
	sentences: Employees may be disciplined.	16	A. Yes.
	Non-employees him asking a series of questions	17	Q. Okay. Did anyone conclude that a
	about what		complaint of harassment against Mr. Beckert had
19	A. Okay.		merit? Anybody.
20	Q non-employees are.	20	A. Well, I didn't come to the conclusion
21	A. In the first paragraph?		in the legal sense that his actions against a
22	Q. Uh-huh. Yeah. That's right. Would		fellow or another employee had merit in the sense
23	you mind reading the first sentence?	23	that you're referring to it. But it is my definite

32 (Pages 122 - 125)

24 opinion predicated on what I witnessed and what I

25 saw in terms of how Mr. Beckert treated others, not

A. If management concludes that a

25 complaint of harassment has merit, appropriate

- 1 only his employees, but other employees throughout
- 2 the county, I would interpret those actions towards
- 3 those employees that he was harassing them. His
- 4 anger, his -- the method, the way he talked to them
- 5 clearly did not comport with what would be
- 6 considered reasonable and appropriate conduct in a 7 workplace.
- Q. And you -- but once again, as you
- 9 stated before, you're not asked to -- to rule on
- 10 that?
- 11 A. No.
- 12 Q. Okay. And would it have been
- 13 appropriate for you to ever rule on that --
- 14 A. No.
- 15 Q. -- in your position as administrator?
- 16 A. There is no statutory authority that I
- 17 ever became aware of that gave me that capability.
- Q. Okay. During -- during your tenure 18
- 19 there, did anyone -- are you aware of anyone
- 20 gossiping about Mr. Beckert?
- 21 A. Gossiping?
- 22 Q. Yes, sir.

1 his presence?

- 23 A. I'm not sure what you mean about
- 24 gossiping. If you're -- if you're meaning were
- 25 they talking about Mr. Beckert with -- outside of

- Page 128
- Q. How do you interpret gossip in this 2 context?
- 3 A. How do I interpret gossip in that
- 4 context? Well, I guess when -- you know, I guess
- 5 I'll refer -- I'll give you this answer, which may
- 6 seem kind of odd: There is a movie called -- it's
- 7 about a Catholic priest, and he in a sermon
- 8 describes that a woman came to him and she felt she
- 9 had sinned because she gossiped about another
- 10 party, and he told her to go on the rooftop with a
- 11 knife and a pillow and open the pillow. And so she
- 12 did, and she reported back to the priest: Father,
- 13 I did what you asked me.
- And he said, well, now I want you to go
- 15 and pick up the feathers.
- 16 And she said, how can I do that?
- 17 They're everywhere.
- 18 And he said, that's gossip.
 - Which I found was a pretty profound way
- 20 of describing what gossip actually is.
 - Q. So releasing things -- releasing
- 22 statements into the world which you have no ability
- 23 to capture back?
- 24 A. Yes.

19

21

25 Q. Do you feel like that happened with --

Page 127

- Q. How do you interpret -- I mean, how do
- 3 you interpret the term gossip?
- A. I interpret it as two individuals
- 5 sitting at a bar having a few drinks, discussing
- 6 how somebody treated somebody else. That's how I
- 7 interpret gossiping.
- Q. Okay. So hopefully --
- A. To me gossip has no meaning whatsoever.
- 10 People gossip all the time.
- 11 Q. It's a term used in the county employee
- 12 handbook, though --
- A. Okay. 13
- 14 Q. -- is it not?
- 15 A. I don't know. If it is there, it's
- 16 there. I don't --
- Q. Okay. So we'll go to 1.3, the 17
- 18 anti-harassment policy.
- 19 A. Okay.
- 20 Q. I believe it's the second sentence.
- 21 I'll give you a second to read that. I think it
- 22 starts with in addition.
- 23 A. Yes, sir.
- 24 Q. I'll give you a second to read that.
- 25

- Page 129 1 did anyone ever release statements into the world
- 2 that they had no ability to capture back about Jim
- 3 Berkert?
- A. I'll answer it this way: The Island
- 5 Packet quoted me several times in meetings that I
- 6 didn't attend. That's just part of the process.
- 7 Especially with people in the public, they like
- 8 what you wear, they don't like what you say. You
- 9 are open game to anyone if you are a public
- 10 employee or an elected official.
- 11 Q. Did any of your employees gossip in the
- 12 term that you've -- about Mr. Beckert?
- 13 A. They could have. I don't know.
- 14 Q. Okay. So you don't -- you don't know
- 15 if any of your employees did. Did any of your
- 16 employees use slurs against Mr. Beckert like, I
- 17 don't know, creepy?
- 18 A. Yeah. They used word the creepy --
- 19 Q. Okay.
- 20 A. -- made me uncomfortable.
- 21 Q. Okay.
- A. Yeah. The -- the black employee --22
- 23 female employees who came into my office felt that
- 24 he was using David Cadd to look over their shoulder
- 25 to find errors in their performance so that he



Deposition of: **D. Paul Sommerville**

April 8, 2021

In the Matter of:

Holland, Aliciav. Beaufort County et al

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Holland, Aliciav. Beaufort County et al

	Holland, Aliciav. B	cau	ion County of an
	Page 6		Page 8
1	Q. During your service on County Council,	1	employees complained to me specifically about his
2	did you become aware by some means of complaint	s 2	behavior towards them.
3	from employees and perhaps others about what they	3	Q. And can you give me the names of some
4	perceived to be harassing or abusive conduct toward	4	that you can recall?
5	them by Jim Beckert?	5	A. Yes, sir, I'll give you the ones I can
6	A. What was the word before "conduct"? I	6	recall. Alicia Holland, Maria Walls, the CFO of
7	heard you say harassing and some kind of conduct.	7	of the school board, Tanya
8	Q. Abusive?	8	Q. Crosby?
9	A. Abusive conduct. Yes.	9	A Crosby. Thank you. No, I'm sorry,
10	Q. And tell me how you you came to know	10	Tanya Crosby did not complain to me about his
11	of those complaints. And I'll ask you some	11	treatment of her. She complained about his job
12	specifics, but I would just like some generalities	12	performance. I want to be clear about that.
13	to start with.	13	I recall those two, but I'm not sure
14	A. Well, I had I have no idea how many	14	beyond that.
15	conversations with a number of people on that	15	Q. Did you ever learn of any complaints by
16	topic.	16	Ebony Sanders?
17	Q. To the extent you can, when did you	17	MR. ANDERSON: Objection.
18	first learn about any complaints about Jim	18	THE WITNESS: Ebony Sanders, no, sir, I
19	Beckert's behavior?	19	do not.
20	A. I believe Mr. Beckert was first elected	20	BY MR. CROSBY:
21	think about this. About 9 about 2015, I	21	Q. What about Monica Spells?
22	think. This is his second term, I think. Towards	22	MR. ANDERSON: Same objection.
23	the end of second term. So I'm going to say	23	THE WITNESS: Am I hearing things?
24	2015 that may not be exactly right is when he	24	MR. ANDERSON: No, sir. I'm objecting,
25	first became auditor, I think, close.	25	but you can answer the question.
	Page 7		Page 9
1	And I don't remember, to be honest with	1	THE WITNESS: Oh, okay. I want to
2	you, when the first time I heard the complaints	2	don't want to dis I don't want to be
3	about him, so I can't really put a date to it.	3	dismissive.
4	Q. Sometime after he took office?	4	MR. ANDERSON: No, sir. It's a
5	A. Yes, sir.	5	speaking objection. You can answer.
6	Q. And what was the nature of the	6	THE WITNESS: I understand.
7	complaints, as best you can recall?	7	Okay. You're asking me if I had
8	A. Well, they took two forms. One was	8	complaints from Monica Spells
9	was his job performance and another was the way he	9	BY MR. CROSBY:
10	treated some individuals that I became aware of.	10	Q. Yes.
11	Q. There were some people that would	11	A about Beckert directly?
12	complain about Mr. Beckert's performance as	12	Q. Yes.
13	auditor?	13	A. Directly, no.
14	A. Yes, sir, to me. I don't know, I'm	14	Q. How about indirectly?
15	sure they well, I'm not sure of anything. They	15	A. I don't recall specifically.
16	may have complained to others, but they definitely,	16	Q. Did Gary Kubic ever express concerns to
17	some people definitely complained to me.	17	you about Beckert's treatment of some of his staff?
18	Q. And then there were complaints about	18	A. Yes.
19	his behavior to towards specific others?	19	Q. What do you recall was relayed to you
20	A. A lot of the complaints had to do with	20	by Gary Kubic?
21	his job performance, but you're asking me about	21	A. Would you repeat the question, please.
22	what?	22	Q. What do you recall what Gary Kubic
23	Q. About his behavior toward people	23	told you about that?
24	employed County employees.	24	A. About?
25	A. Employees. Yes, several County	25	Q. About his concerns about Beckert's

Page 10 Page 12 treatment of his staff? office, had installed cameras on the County 1 2 A. He -- he complained -- we're not 2 administration building because of Jim Beckert's 3 talking about his job performance now. 3 peering through Maria Walls' windows? 4 Q. Right. 4 A. Yes. 5 5 A. We're talking about treatment. Q. When did you learn of that? 6 6 A. Well, let's see. Gary left in -- I'm Q. Right. 7 A. Okay. Gary and I had -- Gary -- Gary 7 not going to try to pinpoint that date because I 8 told me on several occasions that Jim Beckert 8 don't remember exactly when he left, but sometime 9 was -- I don't want to misquote Gary and it's very 9 prior to Gary leaving he told me that -- he told me 10 difficult to try to remember his exact words, but 10 he was installing cameras for that purpose. Among I'm trying. I'm going to have to paraphrase 11 others, there were other -- it wasn't the only 11 because I'm not sure of his exact words, that he 12 purpose, but it was a purpose. 12 13 13 was harassing some employees. Q. What you learned is that what prompted 14 Q. Did Gary inform you of any action that 14 it was a complaint from Maria Walls about Jim 15 he had taken to protect those employees? 15 Beckert peering through her window? A. Yes. 16 A. Yes. Gary -- I was chairman during 16 some of that -- oh, excuse me, I forgot to turn my 17 17 MR. ANDERSON: Object to the form. 18 phone off. I'm sorry. Oh, shoot. Sorry. I 18 BY MR. CROSBY: 19 19 forgot to turn my phone off. Q. Did -- did he relay to you that Jim 20 MR. BUYCK: If you need to get that 20 Beckert would peer through his window as well? 21 call you're welcome to. 21 A. On numerous occasions, yes. 22 22 THE WITNESS: What's that? Q. In your time on County Council, was the 23 MR. BUYCK: If you need to get that 23 issue of Jim Beckert's behavior toward employees 24 call --24 and/or Maria Walls ever discussed as an agenda item 25 THE WITNESS: No, no, no. I -- it's -or in an executive session item where there was Page 11 Page 13 1 I'll call them back. 1 some effort to determine if anything could be done 2 Again, would you repeat the question? 2 to stop it? 3 3 I'm sorry I was interrupted. A. I don't recall. BY MR. CROSBY: 4 4 Q. Did Gary Kubic ever express to you any 5 Q. I believe the question was did Gary 5 frustration about his inability to stop Jim ever tell you or did you learn of any actions that Beckert's behavior? 6 6 7 7 Gary had taken to protect any of the County A. Yes. 8 8 employees from Jim Beckert's harassment? Q. And -- and tell me -- tell me what you 9 A. Yes. 9 recall about that. 10 Q. What -- what did you learn? 10 A. I can remember on several occasions 11 A. He told me on numerous occasions that 11 Gary being extremely frustrated because he -- he he had gone to Beckert's office and talked to him couldn't figure out how to solve that problem, the 12 12 and brought Beckert into his office to talk to him 13 Beckert problem, in spite of his efforts. 13 to try to prevent some of that behavior. 14 Q. I believe after Maria Walls filed her 14 15 Q. Did you ever learn that he had blocked, 15 lawsuit, you were interviewed by the -- the paper basically limited Jim Beckert's access to his and you indicated that -- you acknowledged the 16 16 17 part -- part of the building? 17 complaints that had been received and indicated it 18 MR. ANDERSON: Objection. 18 had been on an ongoing basis?

4 (Pages 10 - 13)

A. (Indicating an affirmative response.)

Q. And you're quoted in there as saying, "We concluded that because he's an elected official

there wasn't a whole lot we can do." And it says,

"I never felt comfortable with that because I just

Q. Is that correct?

A. That's correct.

19

20

21

22

23

24

THE WITNESS: I am not aware that Gary

Kubic limited Beckert's access to any part of the

Q. What about, did you become aware that

building or -- I don't remember that that was

Gary Kubic, in conjunction with the sheriff's

discussed.

BY MR. CROSBY:

19

20

21

22

23

24

25

Page 14
kept thinking there has to be something we can do
to help these poor people."

3 Do you recall saying that?

4 A. I do.

9

10

21

7

8

9

18

Q. When you say we made the decision or we concluded that there wasn't much could be done was that council concluded or are you talking about

7 that council concluded or are you talking about

8 County government?

A. No, I'm really talking about Gary and myself because my conversations were not with the council itself. We may have had individual

11 council itself. We may have had individual12 conversations. I don't recall that we had a group

13 conversation, a council conserv- -- conversation.

14 But I had many conversations with Gary about it and 14

15 so I guess the "we" I'm talking about really is

6 Gary and I. I think I was probably chairman at

17 that time.

Q. And as chairman you would have had a lot of direct communications with the County administrator?

A. Daily.

Q. Was there ever a -- a legal opinion

23 that was issued where that was looked at to see if

24 there was anything that could be done?

25 A. I don't have direct knowledge of any

1 BY MR. CROSBY:

Q. If there was anything that could have

3 been done within the power of the County

4 administrator or department heads to protect from

5 Jim Beckert's harassing behavior, that should have

6 been done?

A. You mean -- I'm still not understanding

9

7

12

13

Q. Is it --

10 A. -- exactly how you're wording the

11 question.

Q. Well, would you agree that if there were actions that could have been done to protect

4 from Jim Beckert's harassing behavior, that any

15 available avenue should have been pursued?

MR. ANDERSON: Object to the form.

17 THE WITNESS: Oh, absolutely. Would
 18 have been, certainly would have been by Gary and my

opinion would have been pursued by Gary Kubic andwould have been pursued by me in my role. We just

would have been pursued by me in my role. We just
 never could come up with anything that seemed to

22 have any likelihood of success. It was very

23 frustrating.

25

8

16

19

24 BY MR. CROSBY:

Q. Did you ever have any conversations

Page 15

1 conversations that may have taken place between

2 Gary and attorneys or Gary and the governor's

3 office or Gary and whoever. I mean I had second --

4 I have secondhand information that those

5 conversations took place, but no firsthand

6 information.

Q. Did you ever see any -- anything in writing that came to the conclusion that nothing could be done to stop Jim Beckert from harassing

10 employees and others on County property?

11 A. I don't recall seeing anything like 12 that.

13 Q. You certainly felt that -- or -- strike 14 that.

14 that.15 You certainly

You certainly would have liked to have been able to do something to protect these

17 employees from harassment?

A. Oh, my gosh, yes. Absolutely.

19 Q. And if there would have been anything

within the power of the County administrator that could have been done to protect them, that should

22 have been done, correct?

23 MR. BUYCK: Note my objection.

24 THE WITNESS: Would you repeat that,

25 please.

over the years with Maria Walls about her concerns

2 about Jim Beckert's behavior?

A. Yes. I can't tell you how many, but it

4 was probably quite a few.
5 Q. Was that something that was a constant

6 topic between you and Maria where she would bring
7 up her concerns about Jim Beckert?

A. Yes.

9 Q. In your observations or in what she 10 told you, did you learn as to whether she feared 11 for her physical safety?

12 A. I can't answer that. I don't know the 13 answer to that.

Q. But what she would relay to you was that she was being harassed by Jim Beckert?

MR. ANDERSON: Objection.

17 THE WITNESS: Yes.

18 BY MR. CROSBY:

Q. When --

A. Excuse me, I just remembered I have got another phone to turn off. That's it. I promise

22 there are no more.

Q. When -- sometime after Maria Walls
 filed her lawsuit against the County, did you learn

5 that Jim Beckert's access to the County

Page 18 Page 20 I just don't recall it. I think I have read every Administration Building had been restricted? 1 article involving Mr. Beckert that's been written. 2 A. Yes. 3 Q. Tell me how you came to learn of that. I may have missed one because I'm out of town quite 4 a bit, but I usually catch up when I come back, 4 A. I believe that the then-County 5 so... 5 administrator told us that -- told the County 6 Council at an executive session. It wasn't -- it 6 O. Were there any -- ever any discussions 7 in executive session about Jim Beckert's treatment 7 was after Gary. This was Ashley Jacobs. 8 8 of County employees? Q. She told council that she had taken the 9 9 steps to restrict his access --A. Yes. 10 10 Q. When -- when would that have occurred? A. Correct. 11 A. Sometime in the first half of 2020. 11 Q. -- and prohibit -- prohibit him from 12 Q. And what was -- what -- what brought 12 having any contact with County employees? 13 that to be an item of executive session? 13 A. Yeah, let me, if I may, clarify 14 A. Well, my impression was that 14 something I said a minute ago that we had no 15 Ms. Jacobs -- Ms. Jacobs was extremely frustrated 15 executive sessions to talk about Jim Beckert. That 16 dealing with Jim Beckert, as was Gary Kubic, the 16 was under Gary Kubic. But I can't recall any, but 17 difference being that I had a lot more daily 17 now we're moving forward to Ashley Jacobs and under Ashley Jacobs we did have, I don't remember, one or 18 communication with Gary Kubic than I had with 19 19 Ms. Jacobs simply because I wasn't the chairman two, but we had at least one. 20 beginning in 2020. 20 Q. Okay. Well, I was going to ask you 21 Q. What do you recall about --21 about Ashley Jacobs. So did Ashley Jacobs ever 22 A. Or -- or '19, for that matter. relay comp- -- complaints about Jim Beckert's 23 Q. What do you recall about the specifics 23 harassment of County employees? 24 that she was relaying to council about her 24 A. Yes. 25 frustrations with Jim Beckert? 25 Q. What do you recall about your Page 19 Page 21 1 A. I recall that her primary focus was conversations with Ms. Jacobs? 2 getting the tax bills out and getting the --2 A. A lot of her complaints about Jim 3 closing the books, getting the CAFR out and his --3 Beckert had to do with his job performance. 4 his role in those things, particularly the tax 4 Q. Well, would -- I'm talking about 5 5 specific to his harassment of County employees. bills. A. Right. I'm trying to recall if she --6 Q. Well, and what about specific to his 6 7 conduct toward County employees and others on 7 she very well may have, but I can't -- I can't swear that that happened, that she did, that she 8 County property? 8 9 talked about his harassment. She very -- I'm sorry A. It was discussed, but I can't remember 10 the particulars of it. 10 to say I just don't specifically remember. I had 11 Q. Was there any executive action so many conversations with so many people about his 11 12 harassment, that I'm not sure if she was one. 12 discussed that -- that was proposed to be taken with regard to Jim Beckert's conduct toward County 13 I had conversations with her about Jim 13 14 employees? 14 Beckert, but I'm not sure if harassment was part of 15 A. Yes. I don't know who came up with 15 those con- -- it may -- may well have been, but I'm this idea. I may have known at the time, but I 16 16 not sure. don't know now. Somebody came up with the idea 17 17 Q. Did she ever relay to you that Jim that we could exclude him or, I'm sorry, that the Beckert exhibited harassing behavior toward her? 18 18 19 A. She never said that directly to me. I 19 administrator had control over the building, the County Office Building and, therefore, had the 20 think -- I think I may have heard that secondhand, 20 authority to exclude him from that building and 21 21 but I'm not sure. 22 22 Q. Did -- did -- did you read in any that was going to be the action taken and, in fact, 23 that was the action taken. newspaper articles where she was quoted as that, as 23 24 Q. Now, that was after the lawsuits were 24 having been harassed by Jim Beckert?

25

filed?

A. If there was an article, I read it, but

25

```
Page 22
                                                                                                           Page 24
         A. I can't -- I don't know what the
                                                                   Q. Was that something that she complained
 1
                                                           2
                                                              to you about on multiple occasions?
 2
     sequence was.
                                                           3
 3
         O. Other than that, do you recall any
                                                                   A. Yes.
     action that was discussed with regard to Jim
                                                           4
                                                                   Q. Was the -- the complaint typically the
 4
                                                           5
                                                              same, that Beckert was harassing her?
 5
     Beckert's conduct toward --
                                                           6
                                                                   A. Well, a lot of her complaints had to do
 6
         A. Yes, I heard some conversations about
                                                           7
                                                              with his -- because she was the chief financial
 7
     going to the governor, but they were -- they were
                                                              officer and responsible for the finance of the --
 8
                                                           8
     secondhand conversations and so...
                                                           9
 9
                                                              of the County, she -- a lot of her complaints,
         O. That was something that was discussed
                                                          10
                                                              certainly not all of them, but a lot of them had to
10
     in executive session or just something that was
                                                          11
                                                              do with his job performance. But yes, she also
     talked with outside of?
11
                                                          12
                                                              complained about his harassment.
12
         A. No, I don't recall it being discussed
     in executive session, but I do recall it being
                                                          13
                                                                   Q. Did she --
13
                                                          14
                                                                   A. To me.
     discussed between myself and Josh Gruber, Gary
14
15
                                                          15
                                                                   Q. -- complain to you that he was causing
     Kubic.
16
         Q. With regard to the County administrator
                                                          16
                                                              her discomfort and stress?
                                                          17
                                                                   A. I'm struggling to answer that question
     having the power or control over access to the
17
                                                              because I'm not sure if -- if my conversation with
                                                          18
18
     buildings, whatever that timing was, was there any
19
     vote on that or was it just a discussion that she
                                                          19
                                                              her was privileged, so...
     actually, the County administrator, possessed that
                                                          20
                                                                   Q. I don't -- I don't know how it would
20
                                                         21
                                                              be, but as her attorney, it's okay to tell me.
21
     power?
                                                          22
22
         A. My recollection is that in executive
                                                                   A. Okay. No, I think there were other
                                                          23
                                                              things that frustrated her as well, but yes, Jim
23
     session, Ashley Jacobs proposed that idea. There
                                                         24
                                                              Beckert was certainly one of them.
     was never a vote, to my knowledge, and as a -- as I
                                                          25
                                                                   Q. Did she relay to you that she was
     recall, she proposed it as something within her
                                                  Page 23
                                                                                                          Page 25
                                                              stressed about whether that Jim was causing her
     authority to do. It didn't require a vote.
 1
         Q. The -- the County does have control
                                                          2
                                                              stress in -- in doing her job?
 2
 3
                                                          3
                                                                  A. Yes.
     over the County property, correct?
                                                          4
                                                                   Q. Let me give you a couple of documents
 4
         A. Absolutely.
                                                           5
                                                              and I'll let him take a break so you can look at
 5
         Q. So that's basically what she was
     suggesting is, as in her role as the highest
                                                          6
                                                              them.
 6
     ranking County employee, she had the authority to
                                                          7
                                                                     MR. CROSBY: What exhibit numbers are
 7
                                                          8
                                                              these?
 8
     make that -- take that type of action?
                                                          9
 9
            MR. BUYCK: Note my objection.
                                                                     MS AVANT: (Inaudible.)
                                                          10
                                                                     THE WITNESS: Take a break, like make a
10
            THE WITNESS: Correct.
                                                              call? Or take a break, like wait for them?
    BY MR. CROSBY:
                                                         11
11
                                                                     MR. BUYCK: You can make a call.
                                                         12
12
         O. There was no vote taken that night
                                                         13
                                                                     MR. CROSBY: Let's just go off the
13
    to -- or in that meeting to give her special power?
         A. No, I only -- I only wish that I had
                                                         14
                                                              record.
14
15 thought of it. I only wish Gary Kubic had thought
                                                         15
                                                                     THE VIDEOGRAPHER: We are going off
    of it. As far as I know, Gary Kubic didn't think
                                                              record. The time is 2:42 p.m.
                                                         16
                                                         17
                                                                     (A Recess transpired.)
    of it, Josh Gruber didn't think of it, and I didn't
17
                                                         18
                                                                     (EXHIBIT 14, Letter, 3-6-18, was marked
   think of it, so, but somebody did at some point and
18
19
                                                         19
                                                              for identification.)
    I think it -- so...
         Q. Do you re- -- did you have more than
                                                         20
                                                                     (EXHIBIT 15, E-Mail, 5-21-19, was
20
                                                         21
                                                              marked for identification.)
21
    one conversation with Alicia Holland --
                                                         22
                                                                     (EXHIBIT 16, E-Mail, 8-7-20, was marked
22
```

23

24

25

for identification.)

marked for identification.)

(EXHIBIT 17, E-Mail, 8-19-20, was

A. Yes.

Q. -- about Beckert's behavior towards

23

24

25

her?

Page 26 Page 28 1 anyone else? THE VIDEOGRAPHER: We are back on 2 A. I don't recall. 2 record. The time is 2:55 p.m. 3 Q. It looks like Ashley Jacobs had sent it 3 BY MR. CROSBY: to yourself and the other members of -- of council. 4 Q. Mr. Sommerville, can you get the 5 document that's marked as Exhibit 16? A. That's what it appears to me. It 5 appears that I received it and forwarded it to 6 6 7 Alicia. 7 Is that an e-mail from Alicia Holland Q. Q. And where she indicates in that first 8 8 to you? 9 line where she says that, "He," being Jim Beckert, 9 A. Yes. Q. Do you recall why she would have been 10 "has harassed and bullied Maria, myself," Maria and 10 herself, you would agree that that's -- Jim forwarding you her resignation letter at this point 11 11 Beckert's conduct was, toward Maria Walls and 12 in time? Alicia Holland, was -- would be considered as 13 13 A. I'm sorry? harassment and bullying in nature? 14 14 Q. Do you recall why she would have been -- I think she had already left the County's 15 A. Well, I never witnessed any of this 15 employment by this time. Do you know why she would 16 firsthand, but this is the way Jim Beckert's 16 actions were characterized to me by Maria and 17 have been forwarding you her resignation letter? 17 18 Alicia. 18 I don't recall specifically, no. 19 Q. Did y'all bump into each other or have 19 Q. All right. When they would talk to you 20 about it, they would relay it in those terms, that 20 a conversation whereby that came up and later she 21 he was a bully and that he was harassing them? 21 22 A. Yes. 22 A. I recall have -- well, I had numerous 23 Q. Did you ever witness Jim Beckert 23 conversations with her since she left. I recall 24 exhibit that type of behavior to anyone? one conversation that had to do with her 24 25 A. The only thing I recall seeing him do resignation and I think I remember saying, "I have 25 Page 29 Page 27 never seen your resignation" so that may have was he had a phone that he liked to carry out where 2 everybody could see it. At least that was my triggered it. 3 Q. And she later forwarded that to you impression. Maybe some people carry their phone with her comments about her decision to leave? anyway, maybe some people just walk around with it. 5 But I guess it was Maria or Alicia who said that --A. Yes, yes. that he was recording them and as a -- as a method 6 Q. And then Exhibit No. 17 looks like a 6 reply to an e-mail received from you to Alicia 7 of harassing them. Holland. Is that where she wrote back and said 8 Q. And you -- you had witnessed that 8 9 that, "Jim Beckert is a sick and dangerous yourself? individual. He has harassed and bullied Maria, 10 A. Well, I witnessed him -- witnessed him 10 with a phone in his hand, but I don't know. I myself, and Ebony that I am aware of. There may be 11 11 others I'm not aware of. Jim is the primary reason 12 can't say what he was doing with it. I mean, I --I left my employment with Beaufort County." 13 Q. It appeared to you that he could have 13 14 Did you forward to Alicia Holland a 14 been recording? copy of the lawsuit that was filed by Maria Walls? 15 A. He certainly could have been. 15 A. I may have. I don't -- I don't 16 MR. ANDERSON: Object to the form. 16 specifically recall. I -- I'm trying to think if I 17 BY MR. CROSBY: 17 had it. I'm pretty sure I had it. 18 Q. When he would walk around with it, he 18 19 would have the camera side pointing out? 19 Q. I mean, it has at the top of it, the subject line in -- in that e-mail, the next e-mail 20 A. I don't recall. 20 down is from you to Alicia Holland and the subject 21 Q. On Exhibit 15, it references hiring an 21 22 is "Maria Walls versus Beaufort County." 22 outside firm to help determine if the millage had

23

24

25

A. Yes.

been calculated correctly. Do you recall that?

Q. And that the cost was going to be

specifically recall it.

A. I don't doubt that I did. I just don't

Q. Do you know if you forwarded it to

23

24

25

Ex. 3
Beaufort County Adopts Testimony:
Topic 7: Instances of Bullying Involving Beckert



Deposition of:

Gary T. Kubic

April 7, 2021

In the Matter of:

Holland, Aliciav. Beaufort County et al

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1 conflicts that were occurring between the auditor 2 and the treasurer at that time.

Q. And in essence SouthData was willing to give up the county's account if they had to have anymore dealings with Jim Beckert?

6 MR. J. ANDERSON: Object to the form.
7 THE WITNESS: I'm not sure exactly what

8 SouthData's position was with the overall contract

9 with the county. But I think they basically had 10 told me, without this letter at the time, that they

11 did not want to take any verbal instructions from

12 Mr. Beckert.

And I kept trying to convince them that
Maria Walls, Jim Beckert, Gary Kubic, we are trying

15 to work these things out. But I guess it reached a

16 point where they said, hey, it's not worth the --

17 the business of the county.

18 BY MR. CROSBY:

19 Q. It says their own Exhibit 9 for

20 SouthData to renew contract IFB 081214, we're

21 requesting the county to include an addendum

22 guaranteeing that SouthData will no longer be

23 required to directly communicate with the Beaufort

24 County Auditor's Office.

25 So it sounds like they were

Page 36 l individual -- to have to deal with a particular

2 individual?

3 A. Let me limit my answer to say that

4 during my time with Beaufort County, this is the

5 only case I've ever had where a company that we

6 contracted with would want to withdraw from the

7 contract based on these types of circumstances. I

8 can't remember all the way back to 1980 and '90

9 and --

10 Q. And who was Dave Thomas? Was he

11 someone under your supervision?

12 A. Dave Thomas was under the chain of

13 command of Alicia Holland. He was the director of

14 purchasing. Since I am the county administrator,

15 all those employees are under my chain of command,

16 but he directly reported to Alicia Holland.

17 Q. And it's my understanding that steps

18 were taken to have Maria Walls be the one that were

19 communicating with SouthData under these contracts?

20 MR. J. ANDERSON: Object to the form.

THE WITNESS: Yes. If you understand the significance of this process, all general

23 revenue created by a tax bill, real or personal,

24 came through this printing process. So the

25 importance from my point of view of getting this

23 importance from my point of view of genting in

Page 35

1 willing to -- weren't going to renew that contract

2 if they had to deal with Jim Beaufort?

A. I think what they were saying in the

4 letter, my interpretation of the letter, was they

5 were willing to continue their service with6 Beaufort County, but not take any instruction or

7 changes from Mr. Beckert in that regard; that they

8 would continue to provide a service, but they

9 didn't want to do it with Mr. Beckert.

And I know that sounds like 11 gobbledygook, but I guess they were basically

12 saying, look, if it was Maria Walls or Gary Kubic

13 or someone else, we can handle it. But they didn't

14 want to continue the relationship as it was

15 originally established.

16 Q. In Exhibit 10 in the forth paragraph,

17 it says: We produce billing and assessment

18 documents for approximately 140 counties in the

19 southeast and have never experienced a level of

20 frustration nor have we ever requested that any

21 portion of a contract be terminated.

Have you ever had in your experience in

23 government ever had a private vendor make such an

24 expression that they would give up a portion of a

25 contract or make a request not to have a particular

1 done efficiently and timely was critical.

2 And so my directive to these folks is,

3 look, if you don't want to talk to Jim Beckert and

4 you don't want to take his phone calls, stay with

5 us, you know our system, you've been with us for a

6 while, Maria will do the contacting or I'll do the 7 contacting with you, and we'll be able to continue

8 so that the, quote/unquote, tax bills are available

9 in a timely fashion for the charging and collection

10 of the revenue produced by taxes as directed by

11 Beaufort County Council.

12 BY MR. CROSBY:

Q. In watching Jim Beckert's interaction

14 with county employees and -- as well as Maria Walls

15 over the years, would you describe his behavior or

16 his -- as -- as being of a bullying nature?

A. I would describe Mr. Beckert's actions

18 that if he didn't like you, he was very aggressive

19 in how he conducted himself amongst those

20 individuals. He was a very aggressive -- he

21 harassed everybody, I mean, to the point where I

22 know a lot of my staff, you know, didn't want to

23 meet. And I would try to make myself available as

24 a conduit, a mediator so that business could still

25 be conducted without all the friction generated by

10 (Pages 34 - 37)

Page 40 Page 38 1 of their efforts. 1 Mr. Beckert. Given those facts, Mr. Beckert gave Q. Would his aggressiveness, would you 3 several people the impression during meetings 3 describe it as abusive toward individuals at times? 4 and -- and -- that he was just confrontational. I MR. J. ANDERSON: Object to the form. 5 mean, they were always nervous. And that's why I 5 THE WITNESS: Yes. 6 tried to increase my presence at committee meetings 6 BY MR. CROSBY: 7 if I knew he was going to be there or meetings that Q. And I take it what you did by locking 8 involved Alicia or Maria, I tried to be there. 8 the doors, at least with regard to your staff and The auditor's office and the 9 his access to them, was an attempt to protect them 10 treasurer's office is hand in glove. They cannot 10 from what one would describe as a hostile 11 work independently and produce a product that 11 environment? 12 satisfies the needs of the taxpayer. They -- and MR. J. ANDERSON: Object to form. 12 13 that's why in my opinion, and I'm going well beyond 13 THE WITNESS: I would say generally the 14 in my response, is I don't think you need in this 14 answer is yes. The idea of separation, obviously, 15 day and age of technology two separately elected 15 is to keep each side away from each other. And so 16 officials, auditor and treasurer, to generate a tax 16 my intent was to limit, because you cannot be 17 bill, whether it's personal property or real 17 exclusive. 18 property. But that's -- that's for another In the working conditions and product 18 19 election or referendum. 19 that we were required to produce for the taxpayer, 20 BY MR. CROSBY: 20 you have occasions where people doing their 21 O. In what -- in what you've -- in your 21 functions have to interact with others. 22 response there and your prior responses, because of 22 So physically putting a lock on the 23 Mr. Beckert's aggressiveness toward individuals 23 door was one method. The second method would be to 24 working for the county and in it, he -- you created 24 try to include or avoid one-on-one situations so 25 a system where you served as a conduit and/or, I 25 that you'd have more people in the meetings, and Page 41 Page 39 1 guess, attending more meetings sort of as a 1 the idea or intent of that was to soften and 2 protector? 2 hopefully modify behavior patterns of individuals 3

3 because they were in a group setting rather than a 4 one-on-one setting. 5 BY MR. CROSBY:

O. Wouldn't an ordinary functioning of 7 county government with regard to the auditor and 8 treasurer, would there typically just be free 9 access between, for example, the auditor and 10 someone on your staff so that they could -- if they 11 needed something they could reach directly out to

12 them? MR. J. ANDERSON: Object to the form. 13 THE WITNESS: Well, the purpose first 14 15 and foremost of every elected official in every 16 unit of government is to provide whatever their 17 level of duty and responsibility is to serve the 18 needs of the taxpayer. Whether you like an individual or you 19 20 don't like an individual, in my world, my

22 employee but not confront them, verbally abuse 23 them. As long as their work product is 100 percent 24 and sufficient, I never thought I would have to

25 like or dislike anyone. I want to see the results

21 authority, is not relevant. I can dislike an

MR. BUYCK: Note my objection.

4 BY MR. CROSBY:

5 Q. -- for your employees --6

MR. J. ANDERSON: Object to the form. 7 BY MR. CROSBY:

Q. I mean, the reason you did that was an

attempt to protect your employees from 10 Mr. Beckert's --

A. There --11

Q. -- aggressive and abusive behaviors --12

13 A. There were two reasons. MR. BUYCK: Same objection. 14

MR. J. ANDERSON: Same objection. 15

THE WITNESS: There were two reasons: 16

17 One, the primary focus to produce a product that

18 would satisfy the needs of the taxpayer. Two, it

19 was to make sure that those present in the meeting,

20 elected or not elected, understood that we are all

21 together to get that done, that the objective of 22 the meeting was to produce product. And, three, to

23 your point, indirectly to protect or to give

24 comfort from my presence to employees who felt

25 that -- uncomfortable with Mr. Beckert, that they

11 (Pages 38 - 41)

In the Matter of:

ALICIA HOLLAND

VS.

BEAUFORT COUNTY, and JAMES BECKERT, Individually, and in his official capacity

Ebony Sanders

September 28, 2021



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Ebony Sanders - 9/28/2021

		1	
	Page 9		Page 10
1	Q All right. And do you recall what it was	1	that matter accordingly.
2	about?	2	Q So beyond intimidation of you, he would
3	A Not clearly what it was about, but I know	3	also intimidate your staff?
4	it was about a form it was about taxation. I	4	A That is correct.
5	can tell you that much from what I can recollect.	5	Q What about an example of how he might
6	Q And when when you say conflict, can you	6	bully you?
7	help me understand what your definition of conflict	7	A He's bullied me personally in my office
8	with him would be?	8	face-to-face, as well as in verbal as in written
9	A My definition of conflict with on	9	communication that we have received. So we've had
10	the when you're defining the word conflict, it's	10	those instances as well.
11	not only it's not consideration of a	11	Q Can you be more specific about what
12	disagreement. We have disagreements with people.	12	what that would look like when he would bully you?
13	That's not what I'm looking at. Conflict to me	13	A Yes. Accusations of things that are not
14	would be intimidation, retaliation, bullying. Those	14	true. Accusations against my staff that are not
15	are the type of things that conflict in my	15	true and the department that is not true.
16	definition would be for Jim Beckert with Jim	16	Q You're not a political figure, are you?
17	Beckert.	17	A That is correct.
18	Q Can you give us some examples of times	18	Q So those weren't political differences
19	when or how Mr Mr. Beckert would intimidate	19	between that Mr. Beckert was trying to hash out?
20	you?	20	A That is correct.
21	A Yes.	21	Q What I'm understanding is that he would
22	Q Can you please do that?	22	come in and just falsely accuse you and your staff
23	A There's been occasions when he's come to	23	of not doing your jobs properly?
24	my office, and he's been he's intimidated me on	24	MR. ANDERSON: Object to the form. You
25	one or two occasions, my staff, and I had to address	25	can go ahead.
	Page 11		Page 12
1	A I'm one more time can you ask the	1	answer.
2	question? I got distracted when he objected. But	2	A I just need a minute.
3	one more time can you ask the question?	3	Q Ma'am?
4	BY MR. CROSBY:	4	A I just need a minute.
5	Q Well, with some of the the behaviors	5	MR. CROSBY: Okay.
6	that Mr. Beckert would exhibit toward you and your	6	MR. BUYCK: And what we're going to do is
7	staff, would he falsely accuse you of not doing your	7	we're going to pass these around. If you'll
8	jobs properly?	8	hand me that exhibit. You're going to keep the
9	A That is correct. Yes. He has.	9	one with the yellow, and we're going to keep a
10	Q Can you be more specific? Can you give us	10	circle going around. I'm going to take one,
11	some specific examples?	11	and I'm going to pass one to Mr. Anderson.
12	A He you know, he has accused me of he	12	MR. CROSBY: Thank you, Tom.
13	has accused me of - falsely accused me of treating	13	MR. ANDERSON: You want to explain
14	him - being a racist. He has accused me of not	14	objections?
15	having the ability to do my job. He has come to my	15	MR. CROSBY: I thought I did it.
16	office and bullied my staff, one particular	16	BY MR. CROSBY:
17	gentleman who has autism, and I had to defend him.	17	Q But, again, there may be a time when they
18	Q I'm going to give you what's marked as	18	object to a question I ask. And I think it just
19	Exhibit 47.	19	threw
20	(Plaintiff's Deposition Exhibit No.	20	A I understood.
21	47 was marked for identification.)	21	Q I figured it just threw you off on what
22	A Can you give me a minute?	22	the question was.
23	BY MR. CROSBY:	23	A Yes. It did. I understand.
24	Q Yes, ma'am. And if there's more you want	24	Q And that does that happens.
25	to say here, I don't want to cut you off on your	25	A I do I apologize. I do apologize.
		1	

Ex. 3
Beaufort County Adopts Testimony:
Topic 8: Instances of Inappropriate Behavior Involving
Beckert



Deposition of: **Suzanne D. Gregory**

April 7, 2021

In the Matter of:

Holland, Aliciav. Beaufort County et al

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	Holland, Aliciav. B	eauf	fort County et al
	Page 34		Page 3
1	with I believe it was the deputy county	1	I'm trying to figure out why they weren't written
2	administrator at the time and another person,	2	down somewhere. So what is your understanding of
3	who I'm not sure what capacity he worked in at the	3	comment?
4	time, where it was very confrontational.	4	A. A comment is something stated in a
5	Q. Did any of these ladies indicate to you	5	conversation that I I don't know how to
6	that Mr. Beckert was partaking in any other	6	answer that.
7	behavior that was more than rude, but maybe took it	7	Q. If someone were to call you about a
8	a step further?	8	situation involving employee A and employee B, that
9	A. Not that I can recall, no.	9	they were not involved in, just something that they
10	Q. Are you aware that Mr. Beckert would	10	observed
11	stare into Maria Walls's window outside of her	11	A. Uh-huh.
12	office?	12	Q would that be documented or would
13	A. I was I was told that, yes.	13	employee A have to come sit down in your office in
14	Q. Do you recall who told you that?	14	a serious manner for you to document that?
15	A. I believe it was the county	15	A. If someone came to me about employee A
16	administrator.	16	and B having a conversation or a problem, I would
17	Q. And who was that at that time? I know	17	likely contact employee A or B to look into it if
18	Beaufort County has been through quite a few	18	it was a serious matter.
19	lately.	19	Q. And did you ever contact Jim Beckert
20	A. Gary Kubic.	20	about the, as you as you have termed them,
21	Q. And was that documented in your	21	comments against him? Did you ever contact him to
22	department?	22	discuss them with him?
23	A. Not in my department. I believe Gary	23	A. No. I I made administration aware
24	Kubic may have documented that.	24	of anything that went on because they were dealing
25	Q. Why weren't these complaints or these	25	with him as an elected official at the time the
	Page 35		Page 3
1	comments documented anywhere?	1	best they could.
2	A. Comments weren't documented because it	2	Q. And what were they dealing with him on?
3	was casual conversation that that I wasn't	3	Was there another issue going on that you're aware
4	approached in a serious manner. It was it was	4	of?
5	almost just here's another Jim Beckert situation,	5	A. I I believe there were several
6	you know, here and and it no one walked	6	issues going on with him, but one was his behavior.
7	no one walked into my office of the list I gave you	7	Q. And when there is an issue with his
8	and said: I have a problem with Jim Beckert. It	8	behavior, he was the director of human resources,
9	was just we were talking about this, the other, and	9	you were not involved in that?
10	then his name would come up.	10	A. No, not directly. Because, there
11	Q. And what was the do you remember the	11	again, he's an elected official, not a county
12	context of the other conversation? Was it other	12	employee, and I had no authority over him.
13	HR-related issues?	13	Q. So, if human resources doesn't have any
14	A. I don't recall.	14	authority over him as an elected official, why did
15	Q. I guess I'm trying to figure out your	15	human resources require him to complete an
16	definition of a comment	16	orientation checklist and sign the Computer and
17	A. Uh-huh.	17	Information Systems Acceptable Use Policy and gave
18	Q to figure out whether it's something	18	him a handbook?
19	that should have been documented, because we looked	19	A. It's my understanding at the time this
20	at the the handbook earlier, and it states in	20	was done, he was in the transition period. And
21	there that any complaint should be documented in	21	before he was sworn in, he was considered a county
22	written form.	22	employee a temporary county employee. That's
23	A. Uh-huh.	23	why he had to complete this paperwork.
24	Q. And when you've got multiple, as you've	24	Q. Is it your understanding that once he
~ -		25	become an alasted official he as longer had to

25 became an elected official, he no longer had to

25 termed them, comments about the same individual,

In the Matter of:

ALICIA HOLLAND

VS.

BEAUFORT COUNTY, ET AL

Thomas J. Keaveny, II

September 27, 2021



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	Page 21		Page 22
1	tried to do that, but I think there's some	1	A The reason I'm hesitating to answer is
2	case law out there about that.	2	because lots of people have complained about his
3	BY MR. CROSBY:	3	behavior, but I don't know that a lot of people
4	Q There's some case law there that	4	have complained about his abusive behavior. Not
5	indicates that the county does have discretion in	5	trying to draw too fine a line, but lots of people
6	that regard?	6	have complained about his behavior.
7	MR. BUYCK: Note my objection.	7	Maria Walls complained about it. Gary
8	THE WITNESS: You know, I mean, it's been	8	Kubic complained about it. I've complained about
9	a while since I've looked at the case, so I'm	9	it. Josh Gruber's complained about it. Alicia
10	not really sure, to tell you the truth. I'd	10	Holland's complained about it. Ebony Sanders has
11	have to look at it to discuss it, but we've	11	complained about it. Maria Alicia Holland, of
		12	course, complained about it. I mean, virtually
12	never gotten involved in a tussle with an	1	
13	elected official about where their office is	13	anybody who's dealt with Mr. Beckert has complained
14	or should be.	14	about him being difficult.
15	BY MR. CROSBY:	15	Q And a number of those people that you
16	Q Until Mr. Beckert?	16	complain that you listed there complained that
17	MR, ANDERSON: Objection to form.	17	he was more than difficult, that he was abusive
18	THE WITNESS: Yeah. Well, like I said, I	18	toward them?
19	wasn't involved in that decision, so I really	19	MR, BUYCK: Note my objection.
20	don't know what the dynamics were.	20	MR. ANDERSON: Objection.
21	BY MR. CROSBY:	21	THE WITNESS: Some. You know, I mean,
22	Q With regard to the complaints	22	some did, yeah, sure. Maria did. Alicia did.
23	Let me ask you this: Who have you known	23	I mean, Chris Inglese complained about it.
24	to complain about Mr. Beckert's, quote-unquote,	24	He's a former deputy county administrator.
25	abusive behavior?	25	John Weaver complained about it. I mean,
	abusive behavior?		John Weaver complained about it. I mean, Page 2 BY MR. CROSBY:
25	abusive behavior? Page 23 everybody's complained about it. BY MR. CROSBY:	25	John Weaver complained about it. I mean, Page 2 BY MR. CROSBY: Q Well, once Beckert was removed, has he
25	abusive behavior? Page 23 everybody's complained about it. BY MR. CROSBY: Q Tell me, were you ever asked to look into	25 1	John Weaver complained about it. I mean, Page 2 BY MR. CROSBY: Q Well, once Beckert was removed, has he
25	abusive behavior? Page 23 everybody's complained about it. BY MR. CROSBY:	25 1 2	John Weaver complained about it. I mean, Page 2 BY MR. CROSBY: Q Well, once Beckert was removed, has he
25 1 2 3	abusive behavior? Page 23 everybody's complained about it. BY MR. CROSBY: Q Tell me, were you ever asked to look into	1 2 3	John Weaver complained about it. I mean, Page 2 BY MR. CROSBY: Q Well, once Beckert was removed, has he taken any action, to your knowledge, to contest the
1 2 3 4	abusive behavior? Page 23 everybody's complained about it. BY MR. CROSBY: Q Tell me, were you ever asked to look into what could be done to prevent county employees and	1 2 3 4	John Weaver complained about it. I mean, Page 2 BY MR. CROSBY: Q Well, once Beckert was removed, has he taken any action, to your knowledge, to contest the relocation of his office?
1 2 3 4 5	everybody's complained about it. BY MR. CROSBY: Q Tell me, were you ever asked to look into what could be done to prevent county employees and others on the inhabiting the county buildings as	1 2 3 4 5	John Weaver complained about it. I mean, Page 2 BY MR. CROSBY: Q Well, once Beckert was removed, has he taken any action, to your knowledge, to contest the relocation of his office? A He protested once, to my knowledge, and asked the legal department to provide him with
1 2 3 4 5 6	everybody's complained about it. BY MR. CROSBY: Q Tell me, were you ever asked to look into what could be done to prevent county employees and others on the inhabiting the county buildings as to what could be done?	1 2 3 4 5 6	John Weaver complained about it. I mean, Page 2 BY MR. CROSBY: Q Well, once Beckert was removed, has he taken any action, to your knowledge, to contest the relocation of his office? A He protested once, to my knowledge, and asked the legal department to provide him with
1 2 3 4 5 6 7	everybody's complained about it. BY MR. CROSBY: Q Tell me, were you ever asked to look into what could be done to prevent county employees and others on the inhabiting the county buildings as to what could be done? MR. BUYCK: Note my objection. If you've been asked anything in your official capacity	25 1 2 3 4 5 6 7	John Weaver complained about it. I mean, Page 2 BY MR. CROSBY: Q Well, once Beckert was removed, has he taken any action, to your knowledge, to contest the relocation of his office? A He protested once, to my knowledge, and asked the legal department to provide him with authority that allowed the administration to remov
1 2 3 4 5 6 7 8 9	everybody's complained about it. BY MR. CROSBY: Q Tell me, were you ever asked to look into what could be done to prevent county employees and others on the inhabiting the county buildings as to what could be done? MR. BUYCK: Note my objection. If you've been asked anything in your official capacity as an attorney, and there's an attorney-client	25 1 2 3 4 5 6 7 8	John Weaver complained about it. I mean, Page 2 BY MR. CROSBY: Q Well, once Beckert was removed, has he taken any action, to your knowledge, to contest the relocation of his office? A He protested once, to my knowledge, and asked the legal department to provide him with authority that allowed the administration to remov him to the records management.
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6 (Pages 21 to 24)

	Page 45		Page 40
7	to him that what he was saying was inaccurate?	1	Q Did you also observe over time that he
1 2	A I don't have an independent recollection	2	had a crusade against Alicia Holland?
3	=	3	MR. ANDERSON: Objection.
	of having talked to him, but I indicate in my email	4	THE WITNESS: No, I didn't. I didn't
4	that we had explained we had explained this to	5	learn about problems that Alicia and
5	him previously. As I said, we'd explained Item A	6	Mr. Beckert had until later on, and my
6	to Mr. Beckert. He simply doesn't like the answer,	7	impression was that I learned about them at or
7	and he won't accept it.		-
8	Q And that was quite often if you	8	about the time they arose. I don't think that
9	explained something to Mr. Beckert that was	9	was as early as February in 2018.
10	contrary to what he was saying, he wouldn't like	10	The problems with Mr. Beckert and
11	the answers?	11	Ms. Walls started immediately when they both
12	MR. ANDERSON: Objection.	12	got sworn in. I mean, they had disagreements,
13	THE WITNESS: There were times when he	13	they weren't necessarily acrimonious, but as
14	disagreed with us, yes.	14	the disagreements continued, they got more
15	BY MR. CROSBY:	15	intense, they got acrimonious, but Ms. Holland
16	Q And you write here: He would rather	16	was not involved initially.
17	continue his personal crusade against the treasurer	17	BY MR. CROSBY:
18	by alleging she's violating state law?	18	Q And you write here: Frankly, I believe
19	A Yes.	19	that is defamatory per se, and what you mean by
20	Q And you believed he had a personal	20	that is that by accusing her falsely accusing
21	crusade against Maria Walls?	21	Ms. Walls of violating state statutes, that could
22	MR. ANDERSON: Objection.	22	harm her reputation?
23	THE WITNESS: He seemed he seemed to,	23	MR. ANDERSON: Objection.
24	yes, by that time.	24	MR. BUYCK: Note my objection.
25	BY MR. CROSBY:	25	THE WITNESS: Harm her representation in
	Page 47		Page 48
1	her profession.	1	that Mr. Beckert filled.
2	BY MR, CROSBY:	2	Q What is let me ask, before we move on
_			(11 mar 12 mar
3	Q Yeah.	3	to that, did Alicia Holland ever discuss with you
3 4	Q Yeah. A Right?	3 4	to that, did Alicia Holland ever discuss with you any issues she was having with Jim Beckert?
	-		to that, did Alicia Holland ever discuss with you
4	A Right?	4	to that, did Alicia Holland ever discuss with you any issues she was having with Jim Beckert?
4 5	A Right? Q Then you say you suspect it's only a	4 5	to that, did Alicia Holland ever discuss with you any issues she was having with Jim Beckert? A She did, and I believe she did that in a personal not as a county attorney, as a just one-on-one personal relationship.
4 5 6	A Right? Q Then you say you suspect it's only a matter of time before she decides she's had enough	4 5 6	to that, did Alicia Holland ever discuss with you any issues she was having with Jim Beckert? A She did, and I believe she did that in a personal not as a county attorney, as a just one-on-one personal relationship. Q And tell me what she relayed to you.
4 5 6 7	A Right? Q Then you say you suspect it's only a matter of time before she decides she's had enough and takes some kind of action, which I guess you	4 5 6 7	to that, did Alicia Holland ever discuss with you any issues she was having with Jim Beckert? A She did, and I believe she did that in a personal not as a county attorney, as a just one-on-one personal relationship. Q And tell me what she relayed to you. A You know, this is a long time ago, and as
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12 (Pages 45 to 48)

Page 50 Page 49 1 And she had been calculating the value of 1 has to figure out what their expenses are, what 2 the mill -- she and her department, the finance 2 they're going to buy, what they're not going to 3 department, had been calculating the value of the 3 buy, what their personnel costs are going to be, mill for budget purposes for years and years and 4 4 and all of that. years, and Mr. Beckert decided he wanted to get 5 5 So unlike most of us, you know, when 6 involved in that issue, and he started challenging 6 we're in private practice, you think, okay, well, 7 Alicia's -- the process she used to calculate the 7 what are my revenues, and then I'll kind of figure 8 value of the mill, and that was the issue that I 8 out what my overhead can be and what my expenses 9 became aware of. 9 can be. Government is more like, well, what are 10 And I remember being in a meeting with 10 our expenses, and everybody tries to keep them down as much as they can, and then they say, okay, well, 11 her one day and -- one morning over by my office, 11 and she and I and maybe one or two other assistant how much money -- how many mills do we have to 12 12 13 county administrators, and she was like sitting to 13 charge the taxpayers in order to make that my right, and she said, "Tom, I just feel like I'm 14 14 expenditure? And in order to do that, you've got to figure out what the value of the mill is because 15 having heart issues." I told her she needed to 15 16 that figure - that determines how many mills 16 call her doctor immediately and get in to her doctor. And she was saying it was because 17 17 people are charged. 18 Mr. Beckert was just haranguing her and wouldn't 18 So the value of the mill is very let up on her, and it was having -- taking a 19 19 important, and when Mr. Kubic was here, Mr. Kubic 20 physical toll on her. 20 had a finance background, came here from Ohio and So that's really -- that was the -- that 21 21 was in some capacity I think in finance. I know 22 was the -- kind of the summer. It was the summer 22 that was his background. And he and Alicia worked very well together. And Alicia was our CFO, she's 23 of 2019 that I recall. 23 Q And was it just the one occasion that she 24 24 a CPA, and she's an amazingly capable person and 25 confided in you? 25 professional. Page 52 Page 51 Alicia was telling me of these issues, Ms. Jacobs ٦ 1 A No, no. She confided in me several 2 and I had a strained relationship. times, but just on person-to-person, not as a 2 3 Q What was the source of that? county attorney. She wasn't calling me and asking 3 4 A I really don't know. I mean, I can 4 me for legal advice as a county attorney about how 5 speculate, but there's no purpose in that. 5 to handle Mr. Beckert. But I recommended that she -- we have no 6 Q You never learned why y'all -- why your 6 7 relationship became strained? 7 control over Mr. Beckert. Everybody knows we have 8 A No, no. 8 no control over Mr. Beckert, and she knew we didn't Q So you're -- as we sit here, are you 9 because she was a witness to all the stuff that had 9 10 aware of anything that Ms. Jacobs did to -- with been going on with Maria, because, obviously, Maria 10 regard to Ms. Holland's situation with Jim Beckert? 11 11 and Alicia work together. It's all finance. It's 12 A I don't know what she did or didn't do. 12 numbers. Maria collects the revenue, and Alicia Truly, I have no information. 13 accounts for it and all of that, so everybody --13 you know, everybody works hand in hand and closely 14 Q In the accusations that Mr. Beckert would 14 on these issues. 15 make with regard to Ms. Walls violating statutes, 15 And so yeah -- so yeah, so she and I 16 16 did you ever make a determination that she had 17 violated state law? 17 talked many times about it. 18 A Oh, I don't -- I don't think I ever Q Did you ever -- let me ask you this: 18 concluded that either one of them violated state What steps, if any, did Ashley Jacobs take to 19 19 20 law, certainly not intentionally violated state intervene on Ms. Holland's behalf? 20 21 law. I can't sit here and say I remember telling 21 A Like I said, Ms. Jacobs and I did not 22 Maria that I disagreed with her interpretation of 22 have a good relationship, and we didn't talk. I 23 the statute, but I can imagine that happened. I'm 23 mean, I think the last time -- we just -- the last confident that I -- I don't have independent time we talked productively was probably early 24 24 25 recollection of specific issues with Mr. Beckert,

25

summer/late spring of 2019, so by the time that

	Page 89		Page 90
1	with me actually. But those who did deal with her	1	identified as within your grievance were all men.
2	said you just wouldn't know one day from one day	2	A Well, I didn't identify
3	to the next which Ashley Jacobs was going to show	3	Q Is that correct?
4	up to work, Ms. Jekyll or Ms. Hyde, so	4	A I didn't identify anybody in here. I
5	Q Do you think that the you stated that	5	didn't in this letter, I didn't identify
6	the budget process, she touted herself as a budget	6	anybody. I just said that there were past and
7	expert, had a whole bunch of workshops which	7	present and former employees.
8	increased Ms. Holland's stress. Is that	8	Q In your testimony. Thank you.
9	A Yeah, because Ms. Jacobs didn't I	9	A Yes.
10	mean, it was pretty clear she really didn't have a	10	Q In your testimony, you identified a
11	handle on what she was trying to do, and she was	11	couple of people?
12	poor Alicia was chasing her tail.	12	A Yeah, uh-huh.
13	Q Do you believe she overly involved	13	Q And they were all they were all men.
14	herself in the CFO's job? And when I say "CFO,"	14	Is that correct?
15	I'm referring to Ms. Holland.	15	A Uh-huh.
16	A I think that she - based on what little	16	Q Do you think that Ms. Jacobs fostered an
17	information I had with regard to that, my	17	environment of misandry throughout Beaufort County?
18	impression is that she did and that she Jacobs,	18	A That she did what?
19	too, was probably frustrated by Beckert's	19	Q Fostered an environment of misandry.
20	involvement injecting himself in the process. She	20	A I don't know what misandry is.
21	had no control over him, as we've talked about so	21	Q It's the opposite of misogyny.
22	much, but, you know, she had to deal with that	22	A You know, no. She wasn't hostile to all
23	problem too.	23	men.
24	Q I note that you mentioned most the	24	Q Was she just hostile to successful,
25	people that you called out in your that you	25	self-confident, older men?
	Page 91		Page 92
1	A III- but That was my aymanianas I mann		
	A Un-nun. That was my experience, Thieair,	1	What do you mean?
2	A Uh-huh. That was my experience. I mean, you could be my age and be diminutive and be a guy,	1 2	What do you mean? Q I mean, well, they're not employees of
2	you could be my age and be diminutive and be a guy,		What do you mean? Q I mean, well, they're not employees of the county, right?
2 3 4	you could be my age and be diminutive and be a guy, and you'd get along with her.	2	Q I mean, well, they're not employees of
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3 4	you could be my age and be diminutive and be a guy, and you'd get along with her. Q Okay. Would you say that Chris Inglese	2 3 4	Q I mean, well, they're not employees of the county, right? A That's right, that's right.
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23 (Pages 89 to 92)

	Page 93	Page 94
1	A Sure.	1 EXAMINATION
2	Q Is that a strange mannerism to you?	2 BY MR. BUYCK:
3	A It's inappropriate. It's intimidating.	3 Q Tom, I do have a few quick questions,
4	Q What else?	4 In the beginning of the deposition, you
5	A It's unprofessional. It's demeaning.	5 were asked questions about who has complained about
6	Q Is it awkward?	6 Mr. Beckert's behavior, and you gave five or six
7	A No.	7 names, but was that meant to be an all-inclusive
8	Q It's not awkward? You don't wouldn't	8 listing of people that have complained about his
9	find that awkward at all if someone was just	9 behavior?
10	A To be staring?	10 A Oh, no, no, no.
11	Q inappropriately staring at you?	11 Q For instance, Paul Sommerville and others
12	A Well, I don't know. He hasn't he	have already testified in the record about
13	hasn't really glared at me.	complaining about his behaviors and members of the
14	Q Well, I didn't say "glare," I said	14 county council themselves, correct?
15	"stare."	15 A Yes, yes.
16	A Glare, stare, I think they're the same	16 Q And that takes me to this next issue of
17	thing.	the elected official and the power of the
18	Q Well, there's a different connotation,	18 Department of Revenue over the treasurer and the
19	right?	19 auditor's office, correct?
20	A He's never stared me down.	20 A Right.
21	Q Okay. Wouldn't it be awkward?	21 Q These elected officials are elected in
22	A It would be odd.	the same manner as Beaufort County councilmen,
23	Q Fair enough. All right. I think that's	23 correct?
24	all I've got, so I'll go ahead and pass right now,	24 A Correct
25	but thank you. I appreciate it.	
		25 Q And sometimes there are political
	Page 95	Page 96
1	disputes that are outside the bounds of what the	1 wanted to file a lawsuit, if Maria wanted to file a
2	county itself is can be involved in, correct?	2 lawsuit against Jim, Jim wanted to file a lawsuit
3	A Correct.	3 against Maria, they could include as a cause of
4		
	Q And these political disputes may arise	4 action require the county to compensate them for
5	Q And these political disputes may arise between an auditor and a treasurer, much like that	
	between an auditor and a treasurer, much like that	4 action require the county to compensate them for
5	between an auditor and a treasurer, much like that set forth in this May 27th, 2016, letter to the	action require the county to compensate them for their legal fees.
5 6	between an auditor and a treasurer, much like that set forth in this May 27th, 2016, letter to the Department of Revenue, correct?	 action require the county to compensate them for their legal fees. Q Okay. But these budgets that are
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24 (Pages 93 to 96)



Deposition of:

Gary T. Kubic

April 7, 2021

In the Matter of:

Holland, Aliciav. Beaufort County et al

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Gary T. Kubic Holland, Aliciav. Beaufort County et al

April 7, 2021

	Page 6	,	Page 8
	1 by Beaufort County council in November of 2003. My	1	ability to do her job?
	2 official start date was January 2004.	2	A. I would rate Alicia as an excellent
	3 Q. Did you also attend law school?		employee: Professional, intelligent, extremely
	4 A. Yes.		hard-working, always available to discuss issues
	5 Q. Did you obtain a law degree?		and problem-solving, and tireless. Excellent
	6 A. Yes.		employee. I have one of one of the best CFOs
	 Q. Did you ever practice as an 	7	I've ever had.
	8 A. No.	8	Q. And in your could you give
	9 Q attorney?		me those oh, you got those you got the ones I
1	10 A. No.	10	passed to you? No.
]]	Q. When did you obtain a law degree?	11	So you you would have let me ask
1	12 A. 1982.	12	you this: In your time at with the county after
1	Q. Okay. As you know, we're wanting to	13	Jim Beckert was elected as auditor, did you ever
1	14 talk to you about some of your your work while	14	become aware of any complaints about Mr. Beckert's
	15 you were at Beaufort with Beaufort County. And	15	behavior toward any of your employees?
	16 were you employed as the county administrator	16	A. Yes.
	17 for starting in 2004 or 2003 up until when?	17	Q. How about expound on that generally,
	18 A. My official start date was January 1,	18	and we'll get into more specifics.
	19 2004. My last day of service was, I believe,	19	
	20 September 30th, 2017.	20	so I'll I'll broadly answer it, and then we can
	Q. And you retired from		narrow it down to specifics. I'll start with my
	22 A. Yes. I retired from service.		my association my relationship with with
1	23 Q. In your work as county administrator,		Mr. Beckert
	24 was Alicia Holland one of the employees that you	24	
	25 had under your supervision?	25	-
-		_	
	Page 7	١,	Page 9 starting point.
		2	Mr. Beckert replaced Sharon Burris who,
			quite frankly, was a terrible manager in the
			auditor's office, and the expectations of her
			leaving with and having another elected official
1	Q. And what was what does what does		in the office, at least from my perspective, were
	6 that mean in lay terms? What was her job?		*
	7 A. Well, basically Alicia was responsible		quite high.
	8 for recording and maintaining all expenditures,	8	We established a relationship through
1	9 budgetary management, contract management,		monthly meetings, trying to also explain various
	10 expenditures on roadways. Anything that involved		procedures that involved budgetary management, how
	11 the financial process through the general fund,		to prepare a budget, how to submit a budget,
	12 through the proprietary funds, through the trust	l	employee management.
1	13 funds, Alicia was responsible for those.	13	And after a few I don't know a
1	Q. And did you also have interaction with		few monthly meetings, where it became very
	15 the I guess, in the last few years of your		difficult to work in terms of discussion with
	16 employment with Maria Walls?		Mr. Beckert on procedural matters, relationships
	17 A. Yes.		with the auditor's office and Beaufort County
	Q. And she was the elected treasurer?		council, the auditor's office and myself and my
	19 A. Yes, she was.		various employees, I stopped having those monthly
1 2	Q. And would you also have interaction	20	meetings because it was my view that they were not
12	21 with the auditor in those last few years, Jim	21	very productive, and all it ended up being was a he
12	22 Beckert?	22	said/she said disagreement process where no real
12	23 A. Yes.		progress was being made.
11	Q. How was Alicia Holland as an employee	24	And so I shifted my approach in terms
11		امدا	-Called maledia - aline and discrete administration to

25 as far as her competence and her willingness --

25 of that relationship, auditor to administration, to

Page 12 1 use basically written documents, letters, and those 1 And so I did certain steps periodically based on what was brought to me and how I thought I could 2 kinds of things to document my position or document 3 best resolve them. 3 a next step as to how we were to proceed, whether 4 Q. Was the nature of the complaints that 4 it be budget or employee management or contracts. 5 you were getting such that Mr. -- that what That's my perspective. And what I 6 Mr. Beckert's conduct would be deemed 6 found out in terms of staff, generally speaking, my 7 unprofessional toward these female employees? 7 staff did not want to associate with Mr. Beckert. 8 And it got to a point where I had to, based on some A. Granted that I wasn't present during 9 those moments, but relying upon what my staff told 9 of the things that my staff was telling me -- you 10 know, the building was divided into two halves 10 me, my answer would be: Yes, they are -- they --11 it wasn't a professional discussion. 11 where I had to separate and lock the doorway that And one of the things that evolved from 12 would allow entry from his side of the office into 12 13 my corridor. And that was done primarily because 13 it was we put hallway cameras in the hallways 14 of complaints from the female staff on my side. 14 initially for security purposes to protect the 15 O. And those were staff that work under --15 auditor's office because it was an office that 16 invited general public in. Also, security right 16 under you? 17 next door for the treasurer's office where the 17 A. Monica Spells, Cheryl Harris, Sue 18 Rainey, members of the HR team primarily. 18 collection of money would -- would go. 19 And I had access as county 19 Q. And what was the nature of the 20 complaints that your staff was relaying to you? 20 administrator because I am in charge of all campus 21 A. They felt uncomfortable having to be 21 buildings. I had the ability to monitor the 22 with Mr. Beckert. I think they used the word 22 cameras in my office at all sites. And I then 23 creepy. And so I figured it would be better just 23 decided to limit the monitoring of the associated 24 to separate the staff and limit the association to 24 cameras, and I think I restricted one or two in the 25 those moments when we had to have discussions on a 25 hallway from Mr. Beckert because I thought that it 1 was not necessary for him to see hallway activity. 1 particular item that involved Mr. Beckert's And I got some information from staff 2 department and myself. And so we basically kept it 3 members that he would appear in the hallway, and 3 on a very -- as professional as we can with noted 4 they just thought it was kind of ironic, so I 4 separation. 5 restricted that as well. 5 Q. And you -- as the highest ranking 6 county employee, you had to have some interaction 6 Q. Would the information you were getting 7 from staff with regard to his use of the cameras, 7 with -- with the auditor? was it such that they believed that he was using A. That's correct. O. And what you're telling me is that 9 the cameras to determine when they would enter the 10 because of the complaints that you were receiving 10 hallway and step out and interact with them? 11 A. Yes. 11 about -- from your staff about Mr. Beckert's Q. Did they complain that his interactions 12 12 conduct toward them that you took a step of 13 blocking off or cordoning off your employees so 13 made them feel uncomfortable? 14 that they didn't have access to him? 14 A. Yes. 15 Q. Did they complain to you that his 15 A. Yes. 16 interactions made them feel threatened? 16 O. How far into Mr. Beckert's term as 17 A. Being threatened in terms of a physical 17 auditor did this occur? 18 A. Well, it wasn't right away, and I had 18 threat, I'm not as certain. Being threatened sort 19 of in an emotional feeling of just generally being 19 been out of the business -- been away from the 20 county for a while. So you're giving me a memory 20 uncomfortable, with that qualification, I would say 21 yes. But I'm -- I'm not certain that it rose to a 21 teaser. I'd say three to six months as -- as the 22 point of physically being threatened. 22 initial start. There are documents that show when

Q. Well, we're going to talk to each one

24 of them, and we'll -- we'll get their take on that.

25 But obviously you're taking action because of

23

24

23 I stopped having my monthly meetings.

25 different times. They did not all occur at once.

These various actions were generated at

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	Page 14		Page 16	
1	Mr. Beckert's actions and what your staff related	1	Q. Get my directions, maybe the	
	to you?	2	treasurer's office would be on the south end?	
3	A, Yes.	3	A. Well, I don't have a compass, and I	
4	Q. And you as their supervisor and the	4	couldn't tell you	
5		5	O. Where	
		6	A which way the sun rose on the	
	workplace for your staff	7	buildings. But basically it's a rectangle building	
8			which is divided in half, two corridors. The front	
9	THE WITNESS: That's correct.		corridor facing Ribaut Road had the treasurer and	
10			the auditor, I think a mailroom, planning on that	
11			side. And on the other side was the clerk of	
12		12	council, myself, some of my staff members for	
	productivity and for their their well-being to		for Monica Spells, Beaufort County channel, and at	
	be free from any type of discomfort caused by		the end was the HR division.	
	others in the workplace, correct?	15	So that was parallel there were	
16		16	parallel corridors. And in between was a central	
17		1	reception area at one time where the general public	
18			could come in and access the offices, and that door	
19			I restricted coming into my area. You could buzz	
	staff let's keep with them right now did any		and have somebody come in and if it was a	
	of the staff relate to you that Mr. Beckert would		taxpayer or another official, we would let them	
	from time to time just stare at them?		through the doorway.	
23		23		
	the sidewalk through my window. I used to get to	24	interaction with Mr. Beckert and his staring in	
	work early. I caught him several times just		your window. How many times did that occur?	
	Page 15		Page 17	
1	looking through the window standing there. It was	1		
	kind of odd. I even had mentioned it to the	2	you're talking about you know, I don't know. I	
	sheriff a few times and others.		never really took a count. It was almost at least	
4			once or twice a week. It would depend on when he	
	she felt that Mr. Beckert was staring at her		arrived at work, and generally I'd get there about	
	through her office window. As a result of that, I		7:00, 7:30. He'd get there early as well. He	
	think I told her to advise the sheriff as well, to		parked right across from my window. And I never	
	notify him that she felt uncomfortable. And then I		really took a count, but it was more than one, and	
	also authorized security cameras at that corner to		it could be, you know, 20, 30. I I'm not sure.	
	have the ability to video those occurrences, and	10		
	also for general security of the building itself.	11	ever have a conversation about why it was that he	
12			would stand outside your window?	
13		13	A. No. I really never talked to him about	
	think, told me a few times that Mr. Beckert	14	it.	
	demanded access through a card swipe to our side of	15	Q. Did it sounds like you got to the	
	the building, and I told her that you could		point where you were just limiting your interaction	
	program the various access points for those cards.		with him in professional business settings?	
	And as a result of talking with her, I told her not	18	A. You know, looking through my window and	
	to program access for Mr. Beckert on on that	19	being a county administrator, I was going to use a	
	doorway that accessed my office space, that area,	20	BS kind of language, but quite frankly I had more	
	that corridor.		important things to consider in my duties than to	
22		22	worry about a person and why that person would be	
	treasurer's office is on the first floor of the	23	staring or looking at me through my window. I just	
	county building?		thought it was unusual, and I treated it that way.	
25		25	You know, I just I moved on in my daily	
1				

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Page 18	Page 20	
1 activities.	1 counsel her on visiting and and making sure that	
2 Q. Just just to be clear, was were	2 she related those incidents to the proper	
3 there other people who would routinely come to your	3 authorities, that being the sheriff. I told her I	
4 window and just stare at you?	4 would introduce a video camera to record those	
5 A. Well, I like to think that I was a	5 events. And, yeah, she was visibly upset. She	
6 popular kind of guy and fairly good-looking, but I	6 it troubled her.	
7 lost all my hair, and then that kind of eliminated	7 Q. And so while the cameras may have had a	
8 that possibility pretty much.	8 secondary function of providing serving as	
9 No, I don't mean to be frivolous. I	9 security, the the the initial driver was	
10 know this is an important matter. But no. No.	10 because of Mr. Beckert's coming and staring	
And what made it unique from normal	11 at Maria through Maria Walls's window?	
12 traffic on the sidewalk by the public or other	MR. J. ANDERSON: Object to the form of	
13 elected officials or staff, those occurrences	13 the question.	
14 occurred when it was early in the morning with only	THE WITNESS: I would say that's true.	
15 a few people in the building at that time. It was	15 I would also say that the camera is in plain view,	
16 at the beginning of the day, and that's what I	16 and the idea was that, you know, generally if you	
17 thought was interesting.	17 walked in that area and you looked up or you knew	
18 Q. Did you ever get the sense that he was	18 that the cameras were rolling as security that it	
19 doing it to intimidate you?	19 would maybe serve as a deterrent, which was the	
20 A. I don't know. I I have no idea what	20 ultimate intent, to stop that action from	
21 he was thinking about. And quite frankly, my	21 happening.	
22 personality, I wouldn't have thought that he was	22 BY MR. CROSBY:	
23 doing it to intimidate at least I wasn't	Q. Did you ever learn of him staring at	
24 intimidated by it, per se, because I figured I'm a	24 any other employees or any employees other than	
25 big boy, and that's kind of incidental. So not	25 yourself of the county?	
Page 19	Page 21	
1 knowing his motives, I really don't know.	1 A. The only other no. The only other	
2 I guess it was probably to maybe create		
	2 employee that mentioned some occurrences outside	
	2 employee that mentioned some occurrences outside 3 the building or along the building was Tony	
3 a signal that he was present. But I did I did 4 go to the sheriff because, you know, at various	1	
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6 (Pages 18 - 21)

23

Q. I think she worked in --

25 conversation with Melissa about that.

A. Oh, Melissa. No, I don't think I had a

23 those moments about Mr. Beckert looking in her

24 window, she was clearly upset, she was clearly

25 worried about physical harm. I would try to

Page 36 Page 34 1 conflicts that were occurring between the auditor 1 individual -- to have to deal with a particular 2 and the treasurer at that time. 2 individual? 3 Q. And in essence SouthData was willing to 3 A. Let me limit my answer to say that 4 give up the county's account if they had to have 4 during my time with Beaufort County, this is the 5 anymore dealings with Jim Beckert? 5 only case I've ever had where a company that we MR. J. ANDERSON: Object to the form. 6 contracted with would want to withdraw from the 6 7 THE WITNESS: I'm not sure exactly what 7 contract based on these types of circumstances. I 8 SouthData's position was with the overall contract 8 can't remember all the way back to 1980 and '90 9 and --9 with the county. But I think they basically had 10 told me, without this letter at the time, that they 10 Q. And who was Dave Thomas? Was he 11 did not want to take any verbal instructions from 11 someone under your supervision? 12 Mr. Beckert. A. Dave Thomas was under the chain of 12 13 And I kept trying to convince them that 13 command of Alicia Holland. He was the director of 14 Maria Walls, Jim Beckert, Gary Kubic, we are trying 14 purchasing. Since I am the county administrator, 15 to work these things out. But I guess it reached a 15 all those employees are under my chain of command, 16 point where they said, hey, it's not worth the --16 but he directly reported to Alicia Holland. 17 the business of the county. 17 Q. And it's my understanding that steps 18 were taken to have Maria Walls be the one that were 18 BY MR. CROSBY: 19 communicating with SouthData under these contracts? 19 Q. It says their own Exhibit 9 for 20 SouthData to renew contract IFB 081214, we're 20 MR. J. ANDERSON: Object to the form. THE WITNESS: Yes. If you understand 21 requesting the county to include an addendum 21 22 guaranteeing that SouthData will no longer be 22 the significance of this process, all general 23 revenue created by a tax bill, real or personal, 23 required to directly communicate with the Beaufort 24 County Auditor's Office. 24 came through this printing process. So the 25 importance from my point of view of getting this 25 So it sounds like they were Page 37

Page 35 1 willing to -- weren't going to renew that contract 2 if they had to deal with Jim Beaufort?

A. I think what they were saying in the 4 letter, my interpretation of the letter, was they 5 were willing to continue their service with 6 Beaufort County, but not take any instruction or

7 changes from Mr. Beckert in that regard; that they

8 would continue to provide a service, but they 9 didn't want to do it with Mr. Beckert.

And I know that sounds like

11 gobbledygook, but I guess they were basically

12 saying, look, if it was Maria Walls or Gary Kubic

13 or someone else, we can handle it. But they didn't

14 want to continue the relationship as it was

15 originally established.

Q. In Exhibit 10 in the forth paragraph, 16

17 it says: We produce billing and assessment

18 documents for approximately 140 counties in the

19 southeast and have never experienced a level of

20 frustration nor have we ever requested that any

21 portion of a contract be terminated.

22 Have you ever had in your experience in 23 government ever had a private vendor make such an

24 expression that they would give up a portion of a

25 contract or make a request not to have a particular

1 done efficiently and timely was critical. And so my directive to these folks is,

3 look, if you don't want to talk to Jim Beckert and

4 you don't want to take his phone calls, stay with

5 us, you know our system, you've been with us for a

6 while, Maria will do the contacting or I'll do the

7 contacting with you, and we'll be able to continue

8 so that the, quote/unquote, tax bills are available

9 in a timely fashion for the charging and collection

10 of the revenue produced by taxes as directed by

11 Beaufort County Council.

12 BY MR. CROSBY:

Q. In watching Jim Beckert's interaction

14 with county employees and -- as well as Maria Walls

15 over the years, would you describe his behavior or

16 his -- as -- as being of a bullying nature?

A. I would describe Mr. Beckert's actions 17

18 that if he didn't like you, he was very aggressive

19 in how he conducted himself amongst those

20 individuals. He was a very aggressive -- he

21 harassed everybody, I mean, to the point where I

22 know a lot of my staff, you know, didn't want to

23 meet. And I would try to make myself available as

24 a conduit, a mediator so that business could still

25 be conducted without all the friction generated by

10 (Pages 34 - 37)

Gary T. Kubic Holland, Aliciav. Beaufort County et al

April 7, 2021

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Page 38	Page 40		
1 Mr. Beckert.	1 of their efforts.		
Q. Would his aggressiveness, would you	2 Given those facts, Mr. Beckert gave		
3 describe it as abusive toward individuals at times?	3 several people the impression during meetings		
4 MR. J. ANDERSON: Object to the form.	4 and and that he was just confrontational. I		
5 THE WITNESS: Yes.	5 mean, they were always nervous. And that's why I		
6 BY MR. CROSBY:	6 tried to increase my presence at committee meetings		
7 Q. And I take it what you did by locking	7 if I knew he was going to be there or meetings that		
8 the doors, at least with regard to your staff and	8 involved Alicia or Maria, I tried to be there.		
9 his access to them, was an attempt to protect them	9 The auditor's office and the		
10 from what one would describe as a hostile	10 treasurer's office is hand in glove. They cannot		
11 environment?	11 work independently and produce a product that		
12 MR. J. ANDERSON: Object to form.	12 satisfies the needs of the taxpayer. They and		
13 THE WITNESS: I would say generally the	13 that's why in my opinion, and I'm going well beyond		
14 answer is yes. The idea of separation, obviously,	14 in my response, is I don't think you need in this		
15 is to keep each side away from each other. And so	15 day and age of technology two separately elected		
16 my intent was to limit, because you cannot be	16 officials, auditor and treasurer, to generate a tax		
17 exclusive.	17 bill, whether it's personal property or real		
18 In the working conditions and product	18 property. But that's that's for another		
19 that we were required to produce for the taxpayer,	19 election or referendum.		
20 you have occasions where people doing their	20 BY MR. CROSBY:		
21 functions have to interact with others.	Q. In what in what you've in your		
22 So physically putting a lock on the	22 response there and your prior responses, because of		
23 door was one method. The second method would be to	23 Mr. Beckert's aggressiveness toward individuals		
24 try to include or avoid one-on-one situations so	24 working for the county and in it, he you created		
25 that you'd have more people in the meetings, and	25 a system where you served as a conduit and/or, I		
Page 39 1 the idea or intent of that was to soften and	Page 41 1 guess, attending more meetings sort of as a		
2 hopefully modify behavior patterns of individuals	2 protector?3 MR. BUYCK: Note my objection.		
3 because they were in a group setting rather than a	4 BY MR. CROSBY:		
4 one-on-one setting.	5 Q for your employees		
5 BY MR. CROSBY:	6 MR. J. ANDERSON: Object to the form.		
6 Q. Wouldn't an ordinary functioning of			
7 county government with regard to the auditor and			
8 treasurer, would there typically just be free			
9 access between, for example, the auditor and	9 attempt to protect your employees from 10 Mr. Beckert's		
10 someone on your staff so that they could if they	10 Mr. Beckert's 11 A. There		
11 needed something they could reach directly out to			
12 them?	 Q aggressive and abusive behaviors A. There were two reasons. 		
MR. J. ANDERSON: Object to the form.	14 MR. BUYCK: Same objection.		
14 THE WITNESS: Well, the purpose first			
15 and foremost of every elected official in every	MR. J. ANDERSON: Same objection. THE WITNESS: There were two reasons:		
16 unit of government is to provide whatever their	16 THE WITNESS: There were two reasons: 17 One, the primary focus to produce a product that		
17 level of duty and responsibility is to serve the			
18 needs of the taxpayer.	18 would satisfy the needs of the taxpayer. Two, it		
Whether you like an individual or you	19 was to make sure that those present in the meeting,		
20 don't like an individual, in my world, my	20 elected or not elected, understood that we are all		
21 authority, is not relevant. I can dislike an	21 together to get that done, that the objective of		
22 employee but not confront them, verbally abuse	22 the meeting was to produce product. And, three, to		
23 them. As long as their work product is 100 percent	23 your point, indirectly to protect or to give		
24 and sufficient, I never thought I would have to	24 comfort from my presence to employees who felt		
25 like or dislike anyone. I want to see the results	25 that uncomfortable with Mr. Beckert, that they		

Gary T. Kubic Holland, Aliciav. Beaufort County et al

April 7, 2021

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1	didn't have to feel that way, that I was there to	1	know the Bates number of what that would be or how
2	help all involved, even Mr. Beckert.	2	it was identified in your discovery? It might help
3	BY MR. CROSBY:	3	me without a copy.
4	Q. Employees feeling uncomfortable or	4	MS. AVANT: I think the e-mail would
5	nervous in the presence of Mr. Beckert, when	5	begin with Bates number 000283.
6	they're feeling like that, that interferes with	6	MR. BUYCK: Okay. Thank you. And that
	number one, isn't it, and that's producing the	7	was is that the Walls?
8	product for the public?	8	MS. AVANT: That's in the Walls case.
9	MR. J. ANDERSON: Object to the form.	9	MR. BUYCK: Okay.
10	THE WITNESS: I've been a I was an	10	MS. AVANT: And for some reason, that's
11	administrator for 43 years. People who can't focus	11	not that's what it's on my screen, but if
12	on the mission at hand 100 percent won't produce a	12	that's not right, let me know.
13	product that is 100 percent.	13	MR. BUYCK: That's fine. I'm just
14	So, if you have gaps in the process,	14	trying to pull it up.
15	whether it be individuals or IT software or	15	THE WITNESS: DOR. I forgot about
16	whatever, you try to find ways to fill the gaps so	16	this.
17	that the product is the best it can be.	17	MR. CROSBY: Mr. Kubic, while you look
18	And in this case, those two units, the	18	at that, let me take a quick break off the record
19	auditor and treasurer, I cannot express how	19	and give you a minute to look that over. I'm going
20	critical that function was. And and we	20	to
21	facilitated you know, when you reach a point	21	THE VIDEOGRAPHER: We are going off
22	where you can't produce a tax bill properly, I	22	record. The time is 2:11 p.m.
23	decided that we would produce a written protocol	23	(A recess transpired.)
24	that the treasurer and the auditor would follow.	24	THE VIDEOGRAPHER: We are back on
25	The protocol was created. It was	25	record. The time is 2:21 p.m.
	Page 43		Page 45
1	submitted for review to Mr. Beckert, to Maria	1	BY MR. CROSBY:

- 1 submitted for review to Mr. Beckert, to Maria
- 2 Walls, to county council for comment. Came back
- 3 in, we refined the product, went back to council
- 4 and said: Here's how we're going to produce the
- 5 tax bill if we follow step one to step two to step
- 6 three to step four.
- 7 I don't know if they use that still
- 8 today or not, but it was an attempt to make sure
- 9 that everything was able to be completed on a
- 10 timely basis for the tax bills to go out.
- 11 MR. CROSBY: Pass that around.
- 12 (PLF. EXHIBIT 7, E-mail Chain with the
- 13 Top Line E-mail from Cynthia Bensch Dated 9/22/16
- 14 was marked for identification.)
- MR. CROSBY: This is Exhibit Number 7.
- MR. BUYCK: You got a Bates number?
- 17 MR. J. ANDERSON: No.
- 18 MR. BUYCK: Cynthia Bensch.
- 19 MR. J. ANDERSON: Ronnie, would you
- 20 read off the date of the two in the front?
- 21 MR. CROSBY: The -- the top of it is
- 22 an -- is an e-mail forwarded September 22nd, 2016,
- 23 from Cynthia Bensch to Maria Walls.
- 24 MR. J. ANDERSON: Thank you.
- MR. BUYCK: Chelsi, do you happen to

- 1 BY MR. CROSBY:
- Q. Before we went off, Mr. Kubic, I passed
- 3 to you Exhibit 7. Did you have an opportunity to
- 4 look that over?
- 5 A. Yes.
 - Q. And this is an e-mail exchange between
- 7 you and someone named Cynthia Bensch?
- 8 A. Councilman Bensch.
 - Q. She was on council at the time?
- 10 A. Yes.

9

11

- Q. And what -- what was the -- the general
- 12 nature of what these communications related to?
 - A. Generally speaking, this is
- 14 communications that were generated as a result of
- 15 trying to develop a road map -- a written road map
- 16 of duties and responsibilities that involved the
- 17 auditor's office and the treasurer's office, county
- 18 administration so that each of the areas of
- 19 responsibility, as this memorandum had indicated,
- 20 these various steps would be followed, and we would
- 21 ultimately lead to the generation of a tax bill and
- 22 the collection of a tax bill.
- Q. Was that the beginning efforts of
- 24 creating that protocol that you were referring to
- 25 earlier?

12 (Pages 42 - 45)

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Page 50	Page 52		
1 council to come to the same conclusions predicated	1 Bennett's directly on point. My position was as		
2 on what I was telling them or what I was seeing	2 county administrator, I served at the pleasure of		
3 occur.	3 county council that my duties and responsibilities		
4 Q. And she goes on in the next sentence	4 were defined by county council, that I think I		
5 and says: Harassing another person by walking by	5 told council I have no statutory ability to go to		
6 their office and standing there and staring at	6 an elected official and instruct an elected		
7 them, then walking backwards to repeat staring is	7 official as to how they should conduct their office		
8 very bizarre behavior.	8 or level of operation.		
9 Who who was she making reference to?	9 I basically did have conversations with		
10 A. Well, I don't know how she decided to	10 Mr. Beckert that, you know, arguing and being		
11 write that. I would probably assume, and it's	11 aggressive with individuals doesn't achieve		
12 terrible to do this, that she had conversations	12 anything, that normal disagreement is appropriate.		
13 with Maria Walls.	13 Anybody can have an idea about anything. There is		
Q. And the person that she was talking	14 differences of opinions almost all the way down the		
15 about doing the harassing by staring was Jim	15 chain of command. But ultimately, you know, you		
16 Beckert?	16 come to some resolution. And that was very		
17 A. Yes. That's	17 difficult with Mr. Beckert.		
MR. J. ANDERSON: Object to the form.	18 Q. Did you ever observe that he made any		
19 THE WITNESS: how I interpret this.	19 changes in his behavior toward others as a result		
20 BY MR. CROSBY:	20 of your advice?		
Q. And you would concur with her that that	A. I don't know if he changed his behavior		
22 type of behaviors, staring and what she's outlining	22 to become less aggressive. I think he maintained		
23 here, is both bizarre and harassing in nature?	23 his persona all the way through. I don't I		
MR. J. ANDERSON: Objection.	24 don't think he ever changed any he he just		
25 MR. JJ ANDERSON: Object to the form.	25 acted that way. That was his method of operation		
Page 5	Page 53		
1 It's leading.	1 in terms of his personality and being aggressive.		
2 THE WITNESS: Well, you don't have to	2 Q. Was this Mr. Beckert's harassing		
3 lead me to my conclusions. I will tell you that in	3 nature of his behavior, was that ever brought to		
4 the normal course of doing business, some of the	4 the attention of the council?		
5 behaviors of Mr. Beckert were not normal business	5 MR. J. ANDERSON: Object to the form.		
6 procedures or strategies or behavior.	6 MR. BUYCK: Same objection.		
7 BY MR. CROSBY:	7 THE WITNESS: Are you asking me if I		
8 Q. Do you concur with Ms	8 ever brought to the attention of council his		
9 A. In my opinion.	9 aggressive behavior?		
Q. Okay. Do you concur with Ms. Bensch's	10 BY MR. CROSBY:		
11 assessment that his interactions, and if it's	11 Q. Yes.		
12 referring to Ms. Walls, rose to the level of a	A. I'm not sure I used the word		
13 harassment?	13 aggressive. I think I told council several times		
14 A. Yes.	14 that Mr. Beckert clearly was argumentative,		
15 MR. J. ANDERSON: Objection.	15 disruptive, unwilling to at least listen to a		
16 MR. BUYCK: Same objection.	16 contrary point of view. And I don't know if I		
17 BY MR. CROSBY:	17 should be well, in in his in this letter,		
18 Q. And then she goes on, she says: Is	18 he refers to the department of revenue. I'm going		
19 there anyone with authority to speak with him about			
20 limits of acceptable behavior?	20 the department of revenue to ask them for		
21 Did you ever respond to her question,	21 assistance, and they basically had a difficult time		
22 either in person or in writing?	22 with Mr. Beckert as well, to the point where it's		
23 A. I don't know if I responded direct I	23 my interpretation that they didn't want to get		

14 (Pages 50 - 53)

25

24 involved with him either.

Q. And Ms. Bensch goes on to write that

24 think I -- I might have responded to county council

25 collectively. I don't think I responded to Cynthia

Page 54 Page 56 1 his obsession with control and authority has to Q. Did -- after you carried the concerns 2 Ms. Walls raised to council, were there ever any 2 obviously affect office morale and performance in 3 solutions proposed by council on how to alleviate 3 many departments, and says: I know you're very 4 these concerns that she had raised to you? 4 concerned. A. It was my impression that council felt 5 Was she correct that you were concerned 6 that having them both present at their committee 6 about Mr. Beckert's affect on the morale and 7 performance of the various county departments that 7 meetings or allowing each of them separately or 8 collectively to address council from the podium 8 were under your control? 9 about their concerns on a matter in dispute, which 9 A. Yes. 10 they permitted. 10 Q. And that goes back to what you talked I do believe that I advised 11 11 about earlier? 12 Mr. Sommerville and Mr. Stewart of my concerns A. It goes back to Monica Spells, several 12 13 of my staff members, Dave Thomas in purchasing, 13 regarding the inability of both parties to resolve 14 Alicia, Maria Walls. You know, it -- it -- it's 14 their differences so that there could be a 15 without question that Mr. Beckert was a disruptive 15 collective positive outcome in the responsibilities 16 of each at the department, because what's unique 16 force generally. Q. The -- did Maria Walls relay to you 17 about these two departments is they're independent, 18 but their product is -- is a combination of --18 other concerns she had with Mr. Beckert's behavior 19 of -- of both efforts. 19 toward her other than the staring through her 20 And then the third component is the IT, 20 window? 21 which is the software processing to actually create 21 A. Yes. Maria on several occasions told 22 the tax rolls which then go towards the final 22 me that she was afraid. She also shared with me a 23 notebook of various things that Mr. Beckert was 23 product in printing the bills. 24 doing in terms of affecting her department, tape 24 So, yeah, they were aware, and I think 25 recording her. And she gave me a copy of that 25 the heightened awareness of it was the tax bills. Page 55 1 I mean, there were disputes on language, there were 1 notebook I think with the hope that I would be able 2 disputes on timeliness. And I wasn't the only one 2 to somehow correct the situation. The problem for 3 that called the department of revenue. Mr. Beckert 3 me was I was the county administrator, and I have 4 called them countless times trying to get them to 4 11 bosses, and besides going to the department of 5 revenue and county council, there is not much else 5 see his way. Q. And what you learned from your 6 I could possibly do. I couldn't dismiss him or get 7 conversations with the department of revenue was 7 him out of office. He was an elected official. 8 that Mr. Beckert's interpretation of the laws was Q. Did you go to council with the -- those 9 concerns that -- about Ms. Walls's that she had 9 inaccurate? 10 A. Yes. And I think a few times with the 10 expressed to you? 11 extensions -- you know, they were -- they were 11 A. Yes. The procedure that I employ with 12 council, because there are 11, is that I first 12 granting us extensions to push the date to produce 13 advise, which I did, my concerns to county chairman 13 the bills back a month or so. But they were keenly 14 aware of Mr. Beckert. 14 and the vice chair, and I think it was at the time 15 Paul Sommerville and Jerry Stewart. As a matter of Q. And when you were talking -- mentioned 16 fact, the protocol -- written protocol on how to 16 earlier about Ms. Walls's concerns for her safety, 17 get a tax bill was an example of that concern. I 17 you were talking about her physical safety? 18 A. Yes. 18 think I addressed in several of the meetings, particularly I think finance, that we were having 19 MR. J. ANDERSON: Object to the form.

15 (Pages 54 - 57)

21

22

23

20 BY MR. CROSBY:

Q. And she expressed that to you?

A. Yes. More than one occasion.

24 Mr. Beckert out of your end of the building?

A. I'm not sure. I'm certain that

Q. Was council aware that you had locked

21

20 difficulties with the auditor in general.

22 auditor and treasurer in those meetings were

23 present, and they both spoke to it, and it was

24 clear from their comments that -- that it was very 25 difficult for them to cooperate with each other.

And I think there were times where the

	Holland, Aliciav. Be	tau.	fort County of the
	Page 62		Page 64
1	elected officials, it's also for the new hires to	1	fellow human being.
2	understand what their responsibilities are to the	2	And then it says: The county does not
3	taxpayer of Beaufort County.	3	tolerate harassment of any kind and strictly
4	Q. Right. This is the exact same handbook	4	forbids retaliation against anyone who has reported
5	that your staff would sign?	5	harassment in good faith.
6	A. Yes.	6	A. Yes. That's what it says.
7	Q. And it sets forth the expectations with	7	Q. And basically it's what we've talked
8	regard to the how you expect county employees	8	about earlier, your efforts that we've talked about
9	and those that sign off on this to act in the	9	to protect your staff and your employees from some
10	workplace? It has	10	of Mr. Beckert's conduct were in effort to provide
11	MR. J. ANDERSON: Objection.	11	the working anti harassment-free environment to
12	MR. BUYCK: Note my objection.	12	your employees?
	BY MR. CROSBY:	13	A. That's correct. That's just sound
14	Q certain certain forbidden	14	sound management.
15	or behaviors that are set forth in this?	15	Q. Because what what Mr. Beckert's
16	MR. BUYCK: Same objection.	16	conduct, as you observed, would rose to the
17	MR. J. ANDERSON: Me too.		level of what one would describe as harassment
18	THE WITNESS: It it's a it's a		within this definition?
	personnel handbook that offers the elected official	19	MR. J. ANDERSON: Objection.
	the hiring authority and the employee hired by the	20	
21			or not Mr. Beckert violated this provision as
	expectations would be for each side. And so for		written in the employee handbook?
	clarity, and also I think to protect the county		BY MR. CROSBY:
	overall from random or haphazard claims by	24	
25	employees against the county, if they did not	25	A. I would have to say I agree with that
25	employees against the county, if they did not	25	1 1
	Page 63		Page 65
1	Page 63 follow the handbook, then they have no real	1	Page 65 assessment.
1 2	Page 63 follow the handbook, then they have no real position to argue.	1 2	Page 65 assessment. Q. And what you did to the best of your
1 2 3	Page 63 follow the handbook, then they have no real position to argue. BY MR. CROSBY:	1 2 3	Page 65 assessment. Q. And what you did to the best of your ability was try to protect the county's employees
1 2 3 4	Page 63 follow the handbook, then they have no real position to argue. BY MR. CROSBY: Q. And	1 2 3 4	Page 65 assessment. Q. And what you did to the best of your ability was try to protect the county's employees from that type of environment?
1 2 3 4 5	Page 63 follow the handbook, then they have no real position to argue. BY MR. CROSBY: Q. And A. So, if they violated procedure, we had	1 2 3 4 5	Page 65 assessment. Q. And what you did to the best of your ability was try to protect the county's employees from that type of environment? A. Yes.
1 2 3 4 5 6	Page 63 follow the handbook, then they have no real position to argue. BY MR. CROSBY: Q. And A. So, if they violated procedure, we had the ability to process them through the conditions	1 2 3 4 5 6	Page 65 assessment. Q. And what you did to the best of your ability was try to protect the county's employees from that type of environment? A. Yes. Q. And you actually tried to in some
1 2 3 4 5 6 7	Page 63 follow the handbook, then they have no real position to argue. BY MR. CROSBY: Q. And A. So, if they violated procedure, we had the ability to process them through the conditions and the grievance procedures defined in this book.	1 2 3 4 5 6 7	Page 65 assessment. Q. And what you did to the best of your ability was try to protect the county's employees from that type of environment? A. Yes. Q. And you actually tried to in some respects to to help protect Maria Walls from
1 2 3 4 5 6 7 8	Page 63 follow the handbook, then they have no real position to argue. BY MR. CROSBY: Q. And A. So, if they violated procedure, we had the ability to process them through the conditions and the grievance procedures defined in this book. Q. And one of the purposes of the some	1 2 3 4 5 6 7 8	Page 65 assessment. Q. And what you did to the best of your ability was try to protect the county's employees from that type of environment? A. Yes. Q. And you actually tried to in some respects to to help protect Maria Walls from that conduct by putting up the cameras and taking
1 2 3 4 5 6 7 8 9	Page 63 follow the handbook, then they have no real position to argue. BY MR. CROSBY: Q. And A. So, if they violated procedure, we had the ability to process them through the conditions and the grievance procedures defined in this book. Q. And one of the purposes of the some of the language in the handbook is to provide a	1 2 3 4 5 6 7 8 9	Page 65 assessment. Q. And what you did to the best of your ability was try to protect the county's employees from that type of environment? A. Yes. Q. And you actually tried to in some respects to to help protect Maria Walls from that conduct by putting up the cameras and taking the concerns to county council?
1 2 3 4 5 6 7 8 9	Page 63 follow the handbook, then they have no real position to argue. BY MR. CROSBY: Q. And A. So, if they violated procedure, we had the ability to process them through the conditions and the grievance procedures defined in this book. Q. And one of the purposes of the some of the language in the handbook is to provide a good working environment by prohibiting such things	1 2 3 4 5 6 7 8 9	Page 65 assessment. Q. And what you did to the best of your ability was try to protect the county's employees from that type of environment? A. Yes. Q. And you actually tried to in some respects to to help protect Maria Walls from that conduct by putting up the cameras and taking the concerns to county council? A. Yes.
1 2 3 4 5 6 7 8 9 10 11	Page 63 follow the handbook, then they have no real position to argue. BY MR. CROSBY: Q. And A. So, if they violated procedure, we had the ability to process them through the conditions and the grievance procedures defined in this book. Q. And one of the purposes of the some of the language in the handbook is to provide a good working environment by prohibiting such things as sexual harassment?	1 2 3 4 5 6 7 8 9 10	Page 65 assessment. Q. And what you did to the best of your ability was try to protect the county's employees from that type of environment? A. Yes. Q. And you actually tried to in some respects to to help protect Maria Walls from that conduct by putting up the cameras and taking the concerns to county council? A. Yes. MR. J. ANDERSON: Objection.
1 2 3 4 5 6 7 8 9 10 11 12	Page 63 follow the handbook, then they have no real position to argue. BY MR. CROSBY: Q. And A. So, if they violated procedure, we had the ability to process them through the conditions and the grievance procedures defined in this book. Q. And one of the purposes of the some of the language in the handbook is to provide a good working environment by prohibiting such things as sexual harassment? A. Yes.	1 2 3 4 5 6 7 8 9 10 11 12	Page 65 assessment. Q. And what you did to the best of your ability was try to protect the county's employees from that type of environment? A. Yes. Q. And you actually tried to in some respects to to help protect Maria Walls from that conduct by putting up the cameras and taking the concerns to county council? A. Yes. MR. J. ANDERSON: Objection. BY MR. CROSBY:
1 2 3 4 5 6 7 8 9 10 11 12 13	Page 63 follow the handbook, then they have no real position to argue. BY MR. CROSBY: Q. And A. So, if they violated procedure, we had the ability to process them through the conditions and the grievance procedures defined in this book. Q. And one of the purposes of the some of the language in the handbook is to provide a good working environment by prohibiting such things as sexual harassment? A. Yes. Q. That's something that was strictly	1 2 3 4 5 6 7 8 9 10 11 12 13	Page 65 assessment. Q. And what you did to the best of your ability was try to protect the county's employees from that type of environment? A. Yes. Q. And you actually tried to in some respects to to help protect Maria Walls from that conduct by putting up the cameras and taking the concerns to county council? A. Yes. MR. J. ANDERSON: Objection. BY MR. CROSBY: Q. Go over to page let me let me ask
1 2 3 4 5 6 7 8 9 10 11 12 13 14	Page 63 follow the handbook, then they have no real position to argue. BY MR. CROSBY: Q. And A. So, if they violated procedure, we had the ability to process them through the conditions and the grievance procedures defined in this book. Q. And one of the purposes of the some of the language in the handbook is to provide a good working environment by prohibiting such things as sexual harassment? A. Yes. Q. That's something that was strictly forbidden by the county?	1 2 3 4 5 6 7 8 9 10 11 12 13 14	Page 65 assessment. Q. And what you did to the best of your ability was try to protect the county's employees from that type of environment? A. Yes. Q. And you actually tried to in some respects to to help protect Maria Walls from that conduct by putting up the cameras and taking the concerns to county council? A. Yes. MR. J. ANDERSON: Objection. BY MR. CROSBY: Q. Go over to page let me let me ask something before this. There is always this issue
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15	Page 63 follow the handbook, then they have no real position to argue. BY MR. CROSBY: Q. And A. So, if they violated procedure, we had the ability to process them through the conditions and the grievance procedures defined in this book. Q. And one of the purposes of the some of the language in the handbook is to provide a good working environment by prohibiting such things as sexual harassment? A. Yes. Q. That's something that was strictly forbidden by the county? A. Appropriate behavior.	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15	Page 65 assessment. Q. And what you did to the best of your ability was try to protect the county's employees from that type of environment? A. Yes. Q. And you actually tried to in some respects to to help protect Maria Walls from that conduct by putting up the cameras and taking the concerns to county council? A. Yes. MR. J. ANDERSON: Objection. BY MR. CROSBY: Q. Go over to page let me let me ask something before this. There is always this issue about Jim Beckert that seems to permeate, and that
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Page 63 follow the handbook, then they have no real position to argue. BY MR. CROSBY: Q. And A. So, if they violated procedure, we had the ability to process them through the conditions and the grievance procedures defined in this book. Q. And one of the purposes of the some of the language in the handbook is to provide a good working environment by prohibiting such things as sexual harassment? A. Yes. Q. That's something that was strictly forbidden by the county? A. Appropriate behavior. Q. If we look at Page 6 at Paragraph 1.3,	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Page 65 assessment. Q. And what you did to the best of your ability was try to protect the county's employees from that type of environment? A. Yes. Q. And you actually tried to in some respects to to help protect Maria Walls from that conduct by putting up the cameras and taking the concerns to county council? A. Yes. MR. J. ANDERSON: Objection. BY MR. CROSBY: Q. Go over to page let me let me ask something before this. There is always this issue about Jim Beckert that seems to permeate, and that is that no one could do anything about him because
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24

25

A. Beg your pardon?

Q. The offices of both the treasurer and

24 harassment whether relating to such distinctions or

25 simply resulting from a lack of consideration for a

Page 118 Page 120 1 Could you -- could you be a little more clear on --1 assessor's office, I also think in the legal 2 on what you meant by aggressive? 2 division, I think in the tax equalization board, I A. Manner of speech, his countenance in 3 think all of the treasurer's employees, so there 4 terms of sitting in a meeting and having 4 were quite a few. But in the literal sense, I used 5 Mr. Beckert stare at you with intensity, those 5 the word everybody, but obviously it's not 6 types of observations is what I meant by a 6 everybody. 7 nontypical office type behavior. Q. Okay. I'm going to ask -- I'm going to Q. Okay. So staring at you -- and I don't 8 do this annoying thing that I just did with 9 want to put words in your mouth, but I don't -- you 9 aggressive. Can you explain to me exactly what you 10 know, we're trying -- is it -- would he be more 10 mean by the word harassment or harassed? 11 curt? Would he be -- would he scream at you? I A. Well, in his manner of speech towards 12 mean, what -- what's -- what does aggressive mean 12 people, we're having a conversation, we probably 13 when you say manner of speech? 13 are on different sides of the argument, but I'm not 14 A. You can take a look at the -- all the 14 angry at you. But his communication style and how 15 committee meetings are on videotape. 15 he verbally related items was not a normal 16 Q. Uh-huh. 16 conversation that would reflect a mere difference 17 A. There were occasions where Mr. Beckert 17 of opinion. 18 would get aggressive and argumentative. So I can 18 Q. Uh-huh. 19 recall distinctly a meeting that I tried to 19 A. His method of expression was: It's my 20 create -- I think David Cadd, his assistant, 20 way, and I determine that way, and you have no 21 Mr. Beckert, Maria, myself, and maybe a couple of 21 right to suggest anything different. 22 other people -- to try to resolve issues, and I Q. Okay. And is that -- is that your 23 didn't anticipate that it would generate anger by 23 definition of harassment is him being 24 having those two present in one room, but it -- it 24 territorial -- I'll use that word --25 did. 25 A. It -- it --Page 119 Q. Would an appropriate synonym for your 1 MR. CROSBY: Object to the form. 2 use of aggressive be passionate? 2 BY MR. J. ANDERSON: A. Passionate is an interesting word that 3 Q. -- over items? 4 I would not use to describe Mr. Beckert's behavior, 4 A. It could be, yes. 5 because there were times where it appeared to me 5 Q. Okay. So --6 that he was just angry, and I don't believe if 6 A. Now, you can ask the female employees 7 you're -- if you're passionate that you're angry. 7 directly what they thought. I wasn't there, and I 8 And --8 can't offer an opinion. But in the --9 9 Q. Sure. And like --Q. Okay. So your interpretation of --A. -- time -- in the conversations that I 10 A. I interpreted his actions as being 10 11 overly aggressive in trying to present his point of 11 had or in the meetings I attended --12 view vigorously, almost as if he felt that 12 Q. Uh-huh. 13 everybody in the room was against him. 13 A. -- that was my observation, that he was 14 Q. Uh-huh. You mentioned that I think 14 very aggressive, and that aggressive approach can 15 you -- I think these are your exact words, that he 15 be interpreted as harassment because clearly he 16 harassed everybody? 16 didn't want to hear any other point of view. Q. Okay. So when you equal his -- so, in 17 A. Yeah. 17 18 Q. Okay. Do mean that literally? 18 an attempt to summarize here: Him arguing for his 19 A. Yeah. I do mean it literally. I points in an aggressive manner is what you're 20 don't --20 stating harassment to be? 21 Q. Janitorial staff? 21 MR. CROSBY: Object to the form.

31 (Pages 118 - 121)

23

24

25

22 BY MR. J. ANDERSON:

A. That's --

Q. Is -- is that -- I mean --

Q. Correct me if I'm wrong, please.

A. No. I don't think janitorial staff. I

23 mean, basically all my employees on my side.

A. And then I -- and I think in the

Q. Uh-huh. And --

22

24

25

Gary T. Kubic Holland Aliciay Reaufort County et al

April 7, 2021

	Holland, Aliciav. Bo	eau	fort County et al
, .	Page 122		Page 124
1	A. That's that's part of it. I	1	action is taken.
2	observed Mr I I was at a meeting at a	2	Q. Okay. Did management ever conclude
3	public public meeting where Maria was speaking,	3	that a complaint of harassment has merit against
4	and, you know, Jim was openly filming her.	4	Mr. Beckert during your tenure there? I
5	Q. Uh-huh.	5	understand
6	A. And I thought to myself when I saw	6	A. Are you indicating that I was the
7	that, you know: What's going on? So my	7	manager of
8	interpretation of that action was he was trying to	8	Q. I'm not
9	intimidate her while she was speaking to the	9	A an elected official?
10	general public. And he did that on several	10	Q. I'm not making a management question at
11	, ,	11	all here, sir. I'm not indicating that you are the
12	•	12	management. I'm I'm asking if this in this
13	Q. Did you did you know that he was	13	process you know, whatever management is defined
14	filming her or was	14	as is in this process.
15		15	A. Well, I guess my definition of
16		16	management in this section doesn't apply to county
17		17	council directors or administrator that I manage an
18		18	elected official.
19		19	Q. Uh-huh.
20		20	A. I don't think that was the intent of
21			that. I think it was the intent of that language
22			that department heads who are in charge of
23	0		employees are the management that is referred to in
	pictures of him doing that.		that sentence. And when they see it, they have an
25	Q. Uh-huh. All right.	25	avenue to report it. But I don't think I have the
	Page 123		Page 125
1	A. So		management right to offer harassment charges
2	Q. Mr. Crosby asked you about in	2	against an elected official.
3	Exhibit 1 here, it's the personnel handbook.	3	O. I I understand your position.

- 3 Exhibit 1 here, it's the personnel handbook.
- A. Yes.
- Q. You went to Page 8, and you talked
- 6 about 1.6, corrective action.
- 7 A. Page 8. Okay. I'm getting there. I'm 8 with you.
- Q. Now, you two spoke about the last two
- 10 sentences within that paragraph. Would you read
- 11 the first sentence of that --
- 12 A. Did you say 1-6?
- 13 Q. I did, 1.6.
- 14 A. Okay. The last two sentences?
- Q. You two spoke about the last two
- 16 sentences: Employees may be disciplined.
- 17 Non-employees -- him asking a series of questions
- 18 about what --
- 19 A. Okay.
- 20 Q. -- non-employees are.
- 21 A. In the first paragraph?
- Q. Uh-huh. Yeah. That's right. Would
- 23 you mind reading the first sentence?
- 24 A. If management concludes that a
- 25 complaint of harassment has merit, appropriate

- Q. I -- I understand your position.
- 4 And -- and while I appreciate it, I think my
- 5 question was a little bit different. Whoever the
- 6 management -- this -- this 1.6 says: If management
- 7 concludes -- and we can put aside who management is
- 8 at this point -- whether it be a -- whether it be a
- 9 board, whether it be the county council, whoever it
- 10 could be. Right? This is not -- or the
- 11 administrator, that's not -- but if that management
- 12 concludes that a complaint of harassment has merit,
- 13 all right, appropriate action is taken. Is that
- 14 not what that says -- I mean, is that what that
- 15 says? My apologies.
- 16 A. Yes.
- 17 Q. Okay. Did anyone conclude that a
- 18 complaint of harassment against Mr. Beckert had
- 19 merit? Anybody.
- 20 A. Well, I didn't come to the conclusion
- 21 in the legal sense that his actions against a
- 22 fellow or another employee had merit in the sense
- 23 that you're referring to it. But it is my definite
- 24 opinion predicated on what I witnessed and what I
- 25 saw in terms of how Mr. Beckert treated others, not

32 (Pages 122 - 125)

Holland, Aliciav. Beaufort County et al		
	Page 126	Page 128
1	only his employees, but other employees throughout	1 Q. How do you interpret gossip in this
	the county, I would interpret those actions towards	2 context?
	those employees that he was harassing them. His	3 A. How do I interpret gossip in that
	anger, his the method, the way he talked to them	4 context? Well, I guess when you know, I guess
	clearly did not comport with what would be	5 I'll refer I'll give you this answer, which may
	considered reasonable and appropriate conduct in a	6 seem kind of odd: There is a movie called it's
	workplace.	7 about a Catholic priest, and he in a sermon
8	Q. And you but once again, as you	8 describes that a woman came to him and she felt she
	stated before, you're not asked to to rule on	9 had sinned because she gossiped about another
	that?	10 party, and he told her to go on the rooftop with a
11	A. No.	11 knife and a pillow and open the pillow. And so she
12	Q. Okay. And would it have been	12 did, and she reported back to the priest: Father,
13	appropriate for you to ever rule on that	13 I did what you asked me.
14	A. No.	14 And he said, well, now I want you to go
15	Q in your position as administrator?	15 and pick up the feathers.
16	A. There is no statutory authority that I	16 And she said, how can I do that?
	ever became aware of that gave me that capability.	17 They're everywhere.
18		18 And he said, that's gossip.
	there, did anyone are you aware of anyone	Which I found was a pretty profound way
	gossiping about Mr. Beckert?	20 of describing what gossip actually is.
21	A. Gossiping?	21 Q. So releasing things releasing
22	Q. Yes, sir.	22 statements into the world which you have no ability
23	A. I'm not sure what you mean about	23 to capture back?
	gossiping. If you're if you're meaning were	24 A. Yes.
	they talking about Mr. Beckert with outside of	Q. Do you feel like that happened with
	Page 127	Page 129
1	his presence?	1 did anyone ever release statements into the world
2	<u>-</u>	2 that they had no ability to capture back about Jim
	you interpret the term gossip?	3 Berkert?
4	A. I interpret it as two individuals	4 A. I'll answer it this way: The Island
5	sitting at a bar having a few drinks, discussing	5 Packet quoted me several times in meetings that I
	how somebody treated somebody else. That's how I	6 didn't attend. That's just part of the process.
7	interpret gossiping.	7 Especially with people in the public, they like
8	Q. Okay. So hopefully	8 what you wear, they don't like what you say. You
9	A. To me gossip has no meaning whatsoever.	9 are open game to anyone if you are a public
10	People gossip all the time.	10 employee or an elected official.
11	Q. It's a term used in the county employee	11 Q. Did any of your employees gossip in the
12	handbook, though	12 term that you've about Mr. Beckert?
13	A. Okay.	13 A. They could have. I don't know.
14	Q is it not?	14 Q. Okay. So you don't you don't know
15	A. I don't know. If it is there, it's	15 if any of your employees did. Did any of your
16	there. I don't	16 employees use slurs against Mr. Beckert like, I
17	Q. Okay. So we'll go to 1.3, the	17 don't know, creepy?
18	anti-harassment policy.	18 A. Yeah. They used word the creepy
19	A. Okay.	19 Q. Okay.
20	Q. I believe it's the second sentence.	20 A made me uncomfortable.
21	I'll give you a second to read that. I think it	21 Q. Okay.
		. ,
	starts with in addition.	22 A. Yeah. The the black employee
		22 A. Yeah. The the black employee 23 female employees who came into my office felt that
22	starts with in addition. A. Yes, sir.	22 A. Yeah. The the black employee

33 (Pages 126 - 129)

25 to find errors in their performance so that he

A. Okay.

25

In the Matter of:

ALICIA HOLLAND

VS.

BEAUFORT COUNTY, and JAMES BECKERT, Individually, and in his official capacity

Ebony Sanders

September 28, 2021



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